

# ROANOKE CITY COUNCIL REGULAR SESSION

## SEPTEMBER 20, 2004 2:00 P.M.

# CITY COUNCIL CHAMBER AGENDA

## 1. Call to Order - Roll Call.

The Invocation will be delivered by The Reverend Adrian Dowell, Pastor, Shiloh Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

## **NOTICE**:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, September 23, 2004, at 7:00 p.m., and Saturday, September 25, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853–2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT <a href="https://www.roanokegov.com">www.roanokegov.com</a>, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853–2541, OR ACCESS THE CITY'S HOMEPAGE AT <u>WWW.ROANOKEGOV.COM</u>, TO OBTAIN AN APPLICATION.

## 2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Introduction of special guests from the Ukraine.

Presentation by Dr. Robert Roth, Chair, Roanoke Valley Sister Cities. (Sponsored by the City Manager.)

Presentation by Peter Lampman, President, Virginia Amateur Sports, Inc. (Sponsored by the City Manager.)

Joint Proclamation declaring October 2004 as Building Character Month.

P 12;

P 13;

P 15

## 3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview applicants for vacancies on the Architectural Review Board, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 16

RECOMMENDED ACTION:

Concur in the request.

C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

P 17

**RECOMMENDED ACTION:** 

Concur in the request.

C-3 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 18

RECOMMENDED ACTION:

Concur in the request.

C-4 A communication from the City Manager requesting that Council schedule a public hearing for Monday, October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed agreement with Colonial Partners, L.L.C., in connection with development of approximately 23-acres of City-owned property located on Colonial Avenue, S.W.

P 19

RECOMMENDED ACTION:

Concur in the request.

#### C-5 Qualification of the following persons:

A. L. Gaskins as a member of the Regional Virginia Alcohol Safety Action Program Policy Board for a term ending June 30, 2006:

A. L. Gaskins as a member of the Court Community Corrections Program Regional Community Criminal Justice Board for a term ending June 30, 2007;

Charles R. Brown as a member of the Towing Advisory Board for a term ending June 30, 2007;

Frank W. Feather as a member of the Fair Housing Board for a term ending March 31, 2007; and

Kristi Pedelty as a member of the Roanoke Arts Commission for a term ending June 30, 2007.

RECOMMENDED ACTION:

Receive and file.

## **REGULAR AGENDA**

4. PUBLIC HEARINGS: NONE.

#### 5. PETITIONS AND COMMUNICATIONS:

Request of David A. Bowers to address Council with regard to the P 20 a. reactivation of the Passenger Rail Service Committee. (Sponsored by Council Members M. Rupert Cutler and Brian J. Wishneff.)

## 6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFING:

Housing Strategic Plan Update

20 minutes

P 23

#### ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of a Runaway and Homeless Youth Program Grant from the United States Department of Health and Human Services, in the amount of \$126,675.00; and appropriation of funds.

P 24; B/O 26; R 27

2. Acceptance of a grant award under the Temporary Assistance for Needy Families (TANF) Hard-To-Serve Project from the Virginia Department of Social Services, in the amount of \$76,400.00; and appropriation of funds.

P 28; B/O 30; R 31

3. Acceptance of a grant award from the Federal Temporary Assistance for Needy Families (TANF) funding allocated by the Virginia Department of Social Services, in the amount of \$68,057.00; and appropriation of funds.

P 32; B/O 34; R 35

4. Acceptance of the *Staying Connected* Grant from the Bill and Melinda Gates Foundation, in the amount of \$13,850.00; and appropriation of funds.

P 36; B/O 38; R 39

5. Execution of an Amendment to the Lease Agreement dated June 5, 2001, between the City of Roanoke and the Commonwealth of Virginia, by the Virginia Department of Health, to extend the term of the current lease agreement by one year, with an expiration date of June 30, 2005, for office space located at 515 and 530 8th Street, S. W.

P 40; O 45

6. Amendment to the City Code to promulgate standards for right-of-way excavation and restoration, effective December 1, 2004; and amendment to the City's Fee Compendium to provide revised fees for Right-of-Way Excavation Permits, formerly Street Opening Permits.

P 46; O 49;

R 54

7. Approval of renaming the Roanoke Civic Center Auditorium as the Roanoke Performing Arts Theatre and the Roanoke Civic Center Parlors A, B, C, D and E as Meeting Rooms 1, 2, 3, 4 and 5.

P 56; R 58 8. Approval of designating and renaming the First Street Bridge as the Dr. Martin Luther King, Jr., Memorial Bridge, contingent upon required approval from the Martin Luther King, Jr. Center for Nonviolent Social Change.

P 59; R 61

9. Amendment to the City Code to provide for Solid Waste Management servicing of front-loading and roll-off containers.

P 62; O 64

- b. CITY ATTORNEY: NONE.
- c. DIRECTOR OF FINANCE: NONE.
- 7. REPORTS OF COMMITTEES: NONE.
- 8. UNFINISHED BUSINESS: NONE.

## 9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS

a. A Resolution reappointing Charles E. Hunter, III, as a Director of the Industrial Development Authority of the City of Roanoke for a term of four years, commencing on October 21, 2004.

R 66

b. A Resolution changing the time of commencement of the regular meeting of City Council scheduled to be heard at 9:00 a.m. to 12:00 Noon on Thursday, October 7, 2004.

R 67

## 10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## 11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

## 12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL STAND IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



# ROANOKE CITY COUNCIL REGULAR SESSION

SEPTEMBER 20, 2004 7:00 P.M.

## CITY COUNCIL CHAMBER

## **AGENDA**

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

## **NOTICE:**

The Council meeting will be televised live on RVTV Channel 3 to be replayed on Thursday, September 23, 2004, at 7:00 p.m., and Saturday, September 25, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution paying tribute to the Patrick Henry High School Boys Tennis Team as the undefeated Western Valley District Champions for 2004.

R 68

### A. PUBLIC HEARINGS:

1. Request of The Branch Family, L.L.C., that three tracts of land located on Franklin Road, S. W., identified as Official Tax Nos. 1150104, 1150102 and 1150112, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.

P 70; O 85

2. Request of Joe and Annette Macione that a tract of land located at 677 Brandon Avenue, S. W., identified as Official Tax No. 1270801, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.

P 87; O 100

3. Request of Paul and Sharon Crawford that certain tracts of land located on Church Avenue, S. E., between 11th and 12th Streets, identified as Official Tax Nos. 4111409 - 4111417, inclusive, be rezoned from LM, Light Manufacturing District, to RM-1, Residential Multi-family, Low Density District, subject to certain conditions proffered by the petitioner. Paul Crawford, Spokesperson.

P 102; O 113

4. Request of Habitat for Humanity that a portion of a ten-foot alley, adjoining Official Tax Nos. 2130504 - 2130506, inclusive, and 2240102, and lying parallel to 12<sup>th</sup> Street, N. W., be permanently vacated, discontinued and closed. David A. Camper, President, Board of Directors, Spokesperson. (Continuation to a later date.)

P 115; O 124

5. Proposed vacation of three water line easements, one sanitary sewer easement and one ingress/egress easement located at 1906 Belleview Avenue, S. E., in connection with expansion of the Carilion Medical Center facility known as Carilion Roanoke Memorial Hospital. Darlene L. Burcham, City Manager.

P 127; O 130

6. Consideration of an adjustment to the City of Roanoke Fiscal Year 2004-2005 Budget. Darlene L. Burcham, City Manager.

P 131; B/O 137

## B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL FRIDAY, SEPTEMBER 24, 2004, AT 12:00 NOON, FOR THE REGIONAL LEADERSHIP SUMMIT LUNCHEON TO BE HOSTED BY BEDFORD COUNTY AT THE OLDE LIBERTY STATION RESTAURANT, 515 BEDFORD AVENUE, BEDFORD, VIRGINIA.

# MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

#### FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

#### PLEASE NOTE:

- 1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
- 2. Roll call vote included in Council's minutes is required.
- 3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state <u>prior to the vote</u> the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor Dr. Robert Roth, Chairman of the Roanoke Valley Sister Cities, for a five minute presentation to present Council the archival materials of the Sister Cities organization for the years 1968 - 2004. Dr. Roth and his organization would like these materials to be housed at the City of Roanoke Main Library.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:jb

c: City Attorney
Director of Finance
City Clerk



Virginia Amateur Sports, Inc. 711 C 5th Street, NE Roanoke, Virginia 24016 (540) 343-0987 FAX (540) 343-7407 www.commonwealthgames.org

PRESENTING SPONSORS ABC 13, WSET Kroger

## PREMIER SPONSORS

High Peak Sportswear K92 Radio Lewis Gale Clinic Valleydale Foods Vistar Eye Center

#### GOLD MEDAL SPONSORS

AEP
Holiday Inn - Tanglewood
Pepsi
Roanoke Valley
Convention & Visitors Bureau
Southern Health

## SILVER MEDAL SPONSORS

Autotrader.com Carilion Health Systems First Team Auto Mall Lanford Brothers

## BRONZE MEDAL SPONSORS

BB&T
Blue Ridge Copier
Delta Dental of VA
Grand Home Furnishings
Jiffy Lube
Mostly Sofas
Mountain Springs Water
Poe & Cronk
Roanoke Fruit & Produce
The Sign Company

PATRON SPONSORS Member One NBC Bank Sir Speedy September 9, 2004

Ms. Mary Parker City Clerk 215 Church Ave. Room 456 Roanoke, Virginia 24011

Dear Ms. Parker,

Virginia Amateur Sports would like to have the opportunity to say thank you to the City of Roanoke for their outstanding support of the 2004 Virginia Commonwealth Games at your city council meeting scheduled for Tuesday, September 20, 2004 at 2:00 pm. My presentation, which will include the presentation of a plaque, will take approximately 5 - 10 minutes.

Please accept my thank you in advance for giving me this opportunity.

I am looking forward to hearing from you.

Sincerely, Virginia Amateur Sports

Peter Lampman
President





Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Peter Lampman, President of Virginia Amateur Sports, Inc., to thank Council and the City of Roanoke for the outstanding support of the 2004 Virginia Commonwealth Games.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:jb

c: City Attorney
Director of Finance
City Clerk

# Noint Proclamation

#### **DECLARING OCTOBER 2004** AS BUILDING CHARACTER MONTH IN THE ROANOKE VALLEY

WHEREAS, the parents, citizens and leaders of the Roanoke Valley realize our next generation can create a community with an ever-improving quality of living and set an example for the region and the world as we head into a crucial time for humankind: and

WHEREAS,

the extraordinary nature and demands of these times will challenge members of our community to be extraordinary citizens with strong moral character and a clear understanding of what it means to be an involved and compassionate human being; and

WHEREAS

our schools in the Roanoke Valley are working to instill these six character trafts, also cited by Virginia Law, into the young persons of our community RESPONSIBILITY, RESPECT, CARING, TRUSTWORTHINESS, FAIRNESS, CITIZENSHIP, and CARING; and

WHEREAS.

these six traits of character are fundamental to all human beings regardless of cultural, religious, or socio-economic differences; and

WHEREAS.

it is the duty of all parents and families and also of all responsible community members to set good examples and to provide young persons with opportunities of service and to develop high moral standards and create value systems that will serve them well in living their lives and reaching their full potential; and

WHEREAS.

the Greater Roanoke Valley Character Coalition (Valley Character.org) is working to improve life in our community by supporting the building of character and supporting those working for improvement of our neighborhoods and to ease suffering and injustice for our citizens.

NOW THEREFORE, WE, the undersigned, do hereby proclaim October 2004, as BUILDING CHARACTER MONTH in the Roanoke Valley.

FURTHER,

We call upon parents, families, leaders, citizens, schools, youth organizations, faith-based groups, businesses, community groups, government agencies and all others to model good practices; engage in discussions about people of extraordinary character; acknowledge local individuals who exemplify such character; encourage young persons to be active in serving their community through volunteerism and provide opportunities for young persons to cultivate their character and their futures through education, public-service, and community involvement



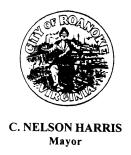
Richard C. Flora, Chair Roanoke County Board of Supervisors

C. Nelson Harris, Mayor City of Roanoke

Carl E. Tarpley, Mayor City of Salem

Bradley E. Grose, Mayor Town of Vinton

W. Wayne Angell, Chair Franklin County Board of Supervisors



## CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

September 20, 2004

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

**Dear Members of Council:** 

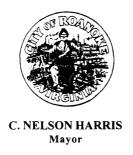
This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

C Welin Hani

C. Nelson Harris Mayor

CNH:snh



## CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

September 20, 2004

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

Sincerely,

C Velm Hani

C. Nelson Harris Mayor

CNH:snh



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham City Manager

DLB:f

c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Mary F. Parker, City Clerk



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request to Schedule a Public Hearing on the Agreement for the Development of Colonial Green and Related Disposition of

**Property** 

The City and Colonial Partners, LLC, the developer previously selected through a Request for Proposals for the development of the approximately 23 acre City-owned property located on Colonial Avenue, have drafted an agreement outlining the terms and conditions for the development and disposition of the property. consider and approve the contents of the agreement, and authorize the City Manager to execute the agreement on behalf of the City, a public hearing has to be held by City Council.

Recommended Action:

Schedule Public Hearing for October 18, 2004.

Respectfully submitted.

Ďarlene L. Bur¢ha

City Manager

#### Attachment

Mary F. Parker, City Clerk C: William M. Hackworth, City Attorney lesse A. Hall. Director of Finance Brian Townsend, Director, Planning Building and Development

#### DAVID A. BOWERS

Attorney at Law
335 W. CHURCH AVENUE
ROANOKE, VIRGINIA 24016-5007

August 27, 2004

TELEPHONE (540) 345-6622 FAX: (540) 345-0216

Honorable C. Nelson Harris, Mayor and Members of City Council Noel C. Taylor Municipal Building 215 Church Avenue, S.W. Roanoke, Virginia 24011

In Re: Passenger Rail Service

Dear Mayor Harris and Members of City Council:

Please find attached hereto a listing of members of the last Passenger Rail Service Committee. The Committee was no longer active due to the lack of interest from the railroad industry, the Congress, or the Commonwealth, regarding the introduction of passenger rail service to Roanoke. Now that's changing.

Just recently, Governor Warner and Norfolk Southern have agreed to begin studying passenger rail service from Washington through Roanoke to Bristol. That's great news!

The Committee should be reactivated, but I thought that it might be appropriate to bring the matter to the Council's attention for your review and further authorization. Accordingly, it would be my request that you reactivate the Passenger Rail Study Committee and appoint Senator Edwards, Mr. Swain, Ms. Burcham, and myself to serve on that committee. Matt Kennell has moved out of town, so a new member would need to be appointed to serve in his place.

Thank you for your support of passenger rail service here in Roanoke and your understanding of how very important it is for the City to participate in that process.

I would ask that this letter be placed on Council's agenda for consideration.

Sincerely,

David A. Bowers

(Mayor of Roanoke 1992-2000)

DAB/mnb

cc: Committee Members

Encl.

29

#### PASSENGER RAIL SERVICE COMMITTEE

<u>l.A.</u>	Ending
5/15/00	05/15/03
5/15/00	05/15/03
5/15/00	05/15/03
5/15/00	05/15/03
5/15/00	05/15/03
	5/15/00 5/15/00 5/15/00 5/15/00

## INFORMATION (NO LONGER ACTIVE)

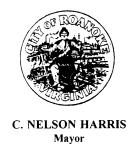
Chair - David A. Bowers Secretary - (None)

**PURPOSE:** The purpose of the Passenger Rail Study Committee is to advocate passenger rail service for the Roanoke area, said Study Committee to be in effect for a period of three years from the date of appointment.

John S. Edwards Res3745 Forest Road, S. W., 24015 Ofc. Phone 985-8625 Office P. O. Box 1179, Rke, VA 24006-1179
David A. Bowers         Res.—601 Camilla Avenue, S. E., 24015       427-4150         Ofc.—335 West Church Avenue 24016       345-6622
Carroll E. Swain Res.— 3434 Kershaw Road, N. W., 24017
Darlene L. Burcham         Res 3527 Windsor Oaks Circle, S. W., 24018       772-3949         Ofc 215 Church Avenue, S. W., 24011       853-2333
R. Matthew Kennell Ofc 310 First Street, S. W., 24011

<sup>\*</sup> Please mail all correspondence to business address.

(as of March 11, 2003)



## **CITY OF ROANOKE**

#### CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
Sherman P. Lea
Brenda L. McDaniel
Brian J. Wishneff

September 20, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Dear Mayor and Members of Council:

We jointly sponsor a request of David A. Bowers, to address Council with regard to reactivating the Passenger Rail Service Committee at the regular meeting of City Council on Monday, September 20, 2004.

Sincerely,

M. Rupert Cutler, Council Member

Brian J. Wishneff, Council Member

MRC/BJW:snh

c: City Attorney

**Director of Finance** 

City Clerk



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject:

Housing Strategic Plan

Update

This is to request space on Council's regular agenda for a 20 minute briefing on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c:

City Attorney
Director of Finance

City Clerk



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council

Subject:

Acceptance of United States Department of Health and Human Services Funds for the Runaway and Homeless Youth Act Program, Sanctuary Outreach

#### Background:

The City of Roanoke has been selected as a grantee for the third year of a three-year funding cycle for Runaway and Homeless Youth (RHY) program under the provisions of the Runaway and Homeless Youth Act. The amount of the grant is \$126,675 annually. These funds are used to cover the salaries and fringes of a Youth Counselor III, a Youth Counselor II, a relief counselor and related program activities in the Sanctuary Outreach program. The required local match is offered as in-kind services.

The U.S. Department of Health and Human Services awards grants for services in three-year cycles. The project period for this grant began September 30, 2002 and will end on September 29, 2005.

#### Considerations:

The focus of this program is to alleviate the problems of runaway and homeless youth and their families, strengthen family relationships and encourage stable living conditions. The early intervention of Sanctuary Outreach staff in a

Mayor Harris and Members of City Council September 20, 2004 Page 2

combination of shelter based and home based services offers runaway and homeless youth and their families, supportive services that will decrease the incidence of repeat runaway episodes. Program services include: 24-hour intake and referral access, temporary shelter, individual, group and family counseling, community service linkages, aftercare services, case disposition and recreation opportunities.

### Recommended Action(s):

Adopt a resolution accepting the \$126,675 in 2004—2005 funding from the U.S. Department of Health and Human Services, Grant #03CYO433/3, for Sanctuary's RHY Outreach program.

Authorize the City Manager to execute any other forms required by the Department of Health and Human Services in order to accept these funds; such forms to be approved as to form by the City Attorney.

Appropriate \$126,675 in federal funds to expenditure accounts in the Grant Fund in accounts to be established by the Director of Finance as detailed in Attachment A. Adopt a revenue estimate of the same amount in the Grant Fund.

Respectfully submitted,

Darlene L. Burcham

City Manager

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Jane R. Conlin, Director of Human/Social Services
Rolanda B. Russell, Assistant City Manager for Community Development

#CM04-00158

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funds for the Runaway and Homeless Youth Act Program, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Regular Employee Salaries	035-630-5140-1002	57,024
Temporary Employee Wages	035-630-5140-1004	5,721
ICMA RC Retirement	035-630-5140-1115	5,249
ICMA Match	035-630-5140-1116	1,300
FICA	035-630-5140-1120	4,900
Medical Insurance	035-630-5140-1125	5,496
Dental Insurance	035-630-5140-1126	404
Life Insurance	035-630-5140-1130	571
Disability Insurance	035-630-5140-1131	163
Fees for Professional Services	035-630-5140-2010	1,125
Telephone - Cellular	035-630-5140-2021	1,200
Administrative Supplies	035-630-5140-2030	4,850
Dues and Memberships	035-630-5140-2042	700
Training and Development	035-630-5140-2044	6,575
Local Mileage	035-630-5140-2046	2,340
Program Activities	035-630-5140-2066	29,057
Revenues		
Runaway & Homeless 9/04-9/05	035-630-5140-5240	126,675

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

#### ATTEST:

016

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a grant from the United States

Department of Health and Human Services to be used for salary and fringe benefits of
counselors and related activities in the Sanctuary Outreach Program; and authorizing the
execution of the necessary documents.

BE IT RESOLVED by the Council of the City of Roanoke that:

- 1. The City of Roanoke hereby accepts the United States Department of Health and Human Services' Runaway and Homeless Youth Program Grant (No. 03CY0433/3), in the amount of \$126,675.00 to be used for salary and fringe benefits of counselors and related activities in the Sanctuary Outreach Program, and as more particularly set forth in the September 20, 2004, letter of the City Manager to this Council.
- 2. The City Manager is hereby authorized to execute any and all requisite documents, upon form approved by the City Attorney, and to furnish such additional information as may be required in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Grant Award for FY'05 Temporary Assistance

for Needy Families

(TANF)

Hard-to-Serve Project

## Background:

The Virginia Department of Social Services issued a Request for Proposals to use federal funds to provide job search, coaching, and job retention services for hard-to-serve TANF recipients. The City of Roanoke Department of Social Services responded to this RFP with a proposal outlining its intent to work collaboratively with TAP- This Valley Works to provide the work-related services listed above. Under this proposal, eligible TANF recipients who must obtain employment, but who have not been in compliance with certain regulatory requirements, are provided customized job search assistance. Case managers work with these individuals to develop and initiate an individualized plan of action to meet compliance requirements and to assist in securing and maintaining employment. This project began in 2001 and is now in its fourth year.

The City of Roanoke was awarded \$76,400 in grant funding under the TANF Hard-to-Serve Project for a portion of the state fiscal year 2005 (May 1, 2004 through November 30, 2004).

Honorable Mayor and Members of City Council September 20, 2004 Page 2

#### Considerations:

- Program Operations Existing activities will continue and planned programs will be implemented.
- Funding Funds are available from Grantor agency, at no additional cost to the City of Roanoke.

#### Recommended Action:

Appropriate funding of \$76,400 and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Respectfully submitted.

Darlene L. Burcham

City Manager

#### DLB:tem

C: Mary Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget
Jane R. Conlin, Director of Human/Social Services
Rolanda B. Russell, Assistant City Manager for Community
Development

#CM04-00163



### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Temporary Assistance For the Needy Families Hard-To-Serve Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Fees For Professional Services

035-630-8854-2010

\$ 76,400

Revenues

TANF - Hard To Serve FY05

035-630-8854-8854

76,400

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

6.a.2.

Of

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a grant award under the Temporary Assistance

for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services.

for the purpose of providing job search, job coaching and job retention services for eligible TANF

recipients who must obtain employment, and authorizing execution of any and all necessary

documents to comply with the terms and conditions of the grant.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The grant award under the Temporary Assistance for Needy Families (TANF) Hard-

to-Serve Project from the Virginia Department of Social Services, for the purpose of providing job

search, job coaching and job retention services for hard-to-serve TANF recipients, in the amount of

\$76,400.00, as set forth in the City Manager's letter to Council dated September 20, 2004, is hereby

ACCEPTED.

2. The City Manager is hereby authorized to execute any and all requisite documents

pertaining to the City's acceptance of these funds and to furnish such additional information as may

be required in connection with the City's acceptance of these grant funds. All documents shall be

approved by the City Attorney.

ATTEST:

City Clerk.



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Grant Award for FY'05 Temporary Assistance for Needy Families (TANF)

Funding for Job Retention and

Wage Advancement

### Background:

The Virginia Department of Social Services has allocated funds from the Federal TANF Grant to eligible state and community-based services. These funds must be used for the purposes of job retention and wage advancement of TANF recipients or for former TANF recipients in the period of ineligibility. In 2003 the City of Roanoke implemented a collaborative project with Botetourt, Craig, Franklin, and Roanoke counties, known as MedVIEW.

#### Considerations:

For fiscal year 2005 the allocation for this project is \$68,057. Funds must be expended by November 30, 2004. This money is used to fund a contractual agreement with Goodwill Industries of the Valleys for the delivery of medical assessment services and job development services for hard-to-employ recipients of TANF benefits. The contract provides for up to four one-year extensions.

Honorable Mayor and Members of City Council September 20, 2004 Page 2

#### Recommended Action:

Appropriate funding for job retention and wage advancement totaling \$68,057 and establish a revenue estimate of \$68,057 in an account established by the Director of Finance in the Grant Fund.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB: tem

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget
Jane R. Conlin, Director of Human/Social Services
Rolanda B. Russell, Assistant City Manager for Community Development

#CM04-00166

MYS

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Temporary Assistance For Needy Families Grant for job retention and wage advancement, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

**Appropriations** 

Fees For Professional Services 035-630-8855-2010 \$ 68,057

Revenues

TANF - Medview FY05 035-630-8855-8855 68,057

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

#### ATTEST:

City Clerk.

120

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a grant award from the Federal Temporary

Assistance for Needy Families (TANF) funding allocated by the Virginia Department of Social

Services in the amount of \$68,057.00 for the purpose of providing job retention and wage

advancement of TANF recipients or for former TANF recipients in the period of ineligibility, and

authorizing execution of any and all necessary documents to comply with the terms and conditions of

the grant.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The grant award under the Federal Temporary Assistance for Needy Families (TANF)

funding allocated by the Virginia Department of Social Services in the amount of \$68,057.00 for the

purpose of providing job retention and wage advancement of TANF recipients or for former TANF

recipients in the period of ineligibility, as set forth in the City Manager's letter to Council dated

September 20, 2004, is hereby ACCEPTED.

2. The City Manager is hereby authorized to execute any and all requisite documents

pertaining to the City's acceptance of these funds and to furnish such additional information as may

be required in connection with the City's acceptance of these grant funds. All documents shall be

approved by the City Attorney.

ATTEST:

City Clerk.



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Acceptance of Staying Connected Grant

### Background:

In 2001, the public library system received a grant from the Bill and Melinda Gates Foundation to purchase computers for public use. The computers, located at the Main Library, Melrose, Gainsboro, Jackson Park and Roanoke Law Library branch locations, were equipped with the latest educational and research software and enhanced the public library system's ability to foster computer-literacy among Roanoke citizens.

This July, the Bill and Melinda Gates Foundation provided funding to the Library of Virginia to begin the *Staying Connected* Grant Program. This funding, combined with Library Services and Construction Act grant funds, is available to Virginia public libraries that were eligible and chosen to participate in the Bill and Melinda Gates U.S. Library Program in 2001. The Roanoke Public Library System was notified this month that it is eligible for a new grant of \$13,850 to purchase 10 new public computer work stations.

These additional public computer workstations will be installed in the Main Library, Roanoke Law Library, Melrose, Gainsboro and Jackson Park Branches. These new computers will enable the public library system to expand customer access to on-line educational and research information.

Mayor Harris and Members of City Council September 20, 2004 Page 2

#### Considerations:

The *Staying Connected* grant is a combined private and federal grant made available to Virginia public libraries.

Grant funding from the program will be used to purchase computer hardware and educational and research software.

#### Recommended Action:

Accept the *Staying Connected* grant in the amount of \$13,850, and authorize the City Manager and City Clerk to execute and attest, respectively, an agreement with the Library of Virginia and any other forms necessary to accept such a grant. All documents shall be approved as to form by the City Attorney.

Appropriate \$13,850 in grant funding in account 035-650-9752-9015 to be established in the grant fund by the Director of Finance and establish a corresponding revenue estimate in the Grant Fund.

Respectfully submitted,

Darlene L. Burcham

City Manager

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Sheila Umberger, Acting Director of Libraries

CM04-00165



# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Staying Connected Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

**Appropriations** 

Other Equipment

035-650-9752-9015

\$ 13,850

Revenues

Staying Connected (Gates Foundation)

035-650-9752-9755

13,850

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

DHL.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of the Staying Connected Grant from

the Bill and Melinda Gates Foundation in the amount of \$13,850 to purchase ten new public

computer work stations for the Roanoke Public Library System; and authorizing the

execution of the necessary documents.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City of Roanoke hereby accepts the Staying Connected Grant from the Bill

and Melinda Gates Foundation in the amount of \$13,850 to purchase ten new public

computer work stations for the Roanoke Public Library System, as more particularly set forth

in the September 20, 2004, letter of the City Manager to this Council.

2. The City Manager is hereby authorized to execute any and all requisite

documents, upon form approved by the City Attorney, and to furnish such additional

information as may be required in connection with the City's acceptance of this grant.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Subject: Lease of City Owned Property at 515 and 530 8<sup>th</sup> Street

#### Background:

The City of Roanoke and the Commonwealth of Virginia, by the Virginia Department of Health (VDH), entered into a Lease Agreement dated June 5, 2001, granting the Virginia Department of Health permission to lease office space located at 515 and 530 8<sup>th</sup> Street. The term of this Lease Agreement began July 1, 2001 and terminated June 30, 2004. The Virginia Department of Health has leased this space from the City for a number of years prior to this most recent agreement and desires to continue leasing this space for another year. The VDH planned to enter into a new sub-lease with the City for space located at the Civic Mall. However, the VDH is not prepared to enter into the new sub-lease this year because of budgetary concerns.

#### Considerations:

The VDH has proposed amending the current lease agreement to extend the term by 1 year, which will establish a new expiration date of June 30, 2005. All other terms and conditions of the agreement will remain unchanged. The Lessee will continue to pay rent in the amount of \$38,950.00 per quarter.

Mayor Harris and Members of City Council September 20, 2004 Page 2

#### Recommended Action:

Authorize the City Manager to execute the appropriate documents, approved as to form by the City Attorney, to amend the Lease Agreement dated June 5, 2001, for space located at 515 and 530 8<sup>th</sup> Street, to the Commonwealth of Virginia for use by the Virginia Department of Health. The proposed amendment shall be in accordance with the provisions outlined in the attached Amendment to Deed of Lease.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:slm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Scott L. Motley, Economic Development Specialist

CM04-00161

#### FIRST AMENDMENT TO DEED OF LEASE

This First Amendment to Deed of Lease (the "Amendment"), dated,	20	, is
made part of the Deed of Lease dated June 5, 2001, (the "Lease") by and between the	CITY	Y OF
ROANOKE, as Lessor, and the COMMONWEALTH OF VIRGINIA, by the Departs	nent (	of
Health, as Lessee.		

### WITNESSETH

WHEREAS, by the terms of the Lease, Lessor leased to Lessee those certain parcels of land situated in the city of Roanoke, Virginia 24016 known as 515 and 530 Eight Street, SW, together with the buildings thereon known as the "Health Center Building" and the "Health Center Annex" containing 20,000 square feet including use of the public parking lot; and,

WHEREAS, the original term of the Lease began July 1, 2001, and expired June 30, 2004, and,

WHEREAS, the parties hereto desire to amend the Lease as hereinafter set forth.

NOW THEREFORE, it is agreed that the Lease be amended as follows:

1. The Initial Term of the Lease shall be extended twelve (12) months (the "Extension Period") and shall now terminate on June 30, 2005. Rent shall continue to be paid in installments of Thirty Eight Thousand Nine Hundred Fifty and 00/100 Dollars (\$38,950.00) due and payable in arrears at the end of each quarter.

Except as amended herein, the Lease shall remain in full force and effect.

This Amendment shall not be effective or binding unless and until signed by both parties and approved by the Governor of Virginia pursuant to Section §2.2-1149 of the Code of Virginia (1950), as amended.

In WITNESS WHEREOF, the parties have affixed their signatures and seals.

LESSOR:	CITY OF ROANOKE	
	By:	-
LESSEE:	COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH	
	By:Title:	·
STATE OF VIRGINIA CITY/COUNTY OF	, to wit:	
The foregoing Ar 20_ by for the City of Roanoke of	mendment was acknowledged before me thisday of acting in his/her capacity as on behalf of the city.	,
My commission expires	Notary Public	
STATE OF VIRGINIA CITY/COUNTY OF	, to wit:	
by	nendment was acknowledged before me thisday of acting in his/her capacity as Virginia, Department of Health, on behalf of the agency.	, 20
My commission expires		

DGS Lease Amendment Form June 10, 2004

RECOMMEND APPROVAL: Division of Engineering and Buildings	RECOMMEND APPROVAL: Department of General Services
By: Director	By:
APPROVED BY THE GOVERNOR	
delegated to me under Executive Order 88(	le of Virginia (1950), as amended, and by the authority 01), dated December 21, 2001, I hereby approve this ion of this instrument for and on behalf of the Governor
Date	Secretary of Administration

DLC

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute an amendment to the Lease Agreement dated June 5, 2001, between the City of Roanoke and the Commonwealth of Virginia, by the Department of Health ("VDH"), to extend the term of the current lease agreement by one year, with an expiration date of June 30, 2005, for office space located at 515 and 530 8<sup>th</sup> Street for the VDH, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, in form approved by the City Attorney, an amendment to the Lease Agreement dated June 5, 2001, between the City of Roanoke and the Commonwealth of Virginia, by the VDH, to extend the term of the current lease agreement by one year, with an expiration date of June 30, 2005, for office space located at 515 and 530 8<sup>th</sup> Street for the VDH, at a lease fee of \$38,950.00 per quarter, as more particularly set forth in the City Manager's letter dated September 20, 2004, to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

RE:

City of Roanoke Right of Way Excavation and Restoration Standards

The 2003 Citizen survey ranked Street Paving, Maintenance and Repair as an issue of high importance. Roanoke's comprehensive plan, *Vision 2001-2020*, stresses the importance of a quality street system linking our community. City Council's Strategic Plan 2004 envisions developing 'strong neighborhoods through quality city infrastructure'.

In response to these goals, city staff has worked with local utility companies, contractors and developers for many months to develop a written policy for utility excavation and restoration. Attached for your review and consideration is the proposed final draft of the *City of Roanoke Right of Way Excavation and Restoration Standards* dated September 20, 2004. (Standards). Staff has briefed City Council of our progress and the necessity of such standards throughout the development of the new Standards.

In order to implement the Standards, several changes to the City Code are necessary. Specifically, certain sections of Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke (1979), as amended, need to amended or repealed and one new section needs to be added. The addition is a new section 30-49, which authorizes the City Manager to promulgate the Standards. The amendment to section 30-1 changes the class of the misdemeanor from a Class 4 to a Class 3 misdemeanor for a violation of the chapter. (The effect of the class change is to increase the fine from \$250 to a maximum of \$500 per violation.) The other amendments or deletions are to make the standards compatible with the City Code.

The proposed Standards provide a document detailing the procedures, permits, materials, methods, workmanship and quality desired for work within

Mayor Harris and Members of City Council September 20, 2004 Page 2

Roanoke's public street rights of ways. This document combined with proactive inspection by city staff and cooperation of the utility community, will result in quality pavement repairs performed in a timely manner.

Also, proposed is a new fee structure for an Excavation Permit (formerly called a Street Opening Permit). The permit fee will increase from \$36.00 to \$50.00, and the new permit will have a fixed duration of 30 days. In order to answer concerns from utility companies on this limited duration, a 60 day permit is also available from \$100.00 to cover the increase in inspection coverage.

This increase in fee, while not recovering all expenses for services provided, does align Roanoke's fee with other comparable jurisdictions. A copy of the proposed fee schedule is attached.

#### Recommendation:

City Council adopt the recommended City Code provisions in order to allow the City Manager to promulgate the Standards, including any modifications thereto.

Amend the Fee Compendium to provide for the revised fee schedule as set forth in the fee schedule attached to this letter.

Provide that the effective date for the recommended code provisions and Fee Schedule be December 1, 2004.

Authorize the City Manager to take such further action as may be necessary to implement and administer such Standards.

Sincerely.

Darlene L. Buccham

City Manager

c:

Mary F. Parker, City Clerk William F. Hackworth, City Attorney

Jesse A. Hall, Director of Finance

CM04-00159

#### RIGHT OF WAY EXCAVATION PERMITS

Α	SSES	AI22	IC	DEPA	RTN	<b>JFN</b>	IT:

Engineering

**COLLECTION DEPARTMENT:** 

Treasurer

**DESCRIPTION:** 

Fee charged for permits in accordance with the Right of Way Excavation and Restoration Standards.

## **EXCAVATION PERMIT FEES:**

Permit Fee (30 days) \$ 50.00 Permit Fee (60 days) \$ 100.00

IF ANY EXCAVATION IS STARTED WITHOUT A REQUIRED PERMIT, IN ORDER FOR THE PERSON TO BE ALLOWED TO CONTINUE WITH SUCH EXCAVATION, THE PERSON MUST OBTAIN A PERMIT, AND THE COST OF SUCH PERMIT FEE SHALL BE TWICE THE APPLICABLE AMOUNT SET FORTH ABOVE (I.E., 30 DAY PERMIT FEE - \$100.00, 60 DAY PERMIT FEE - \$200.00)

### **LEGAL AUTHORIZATION:**

Roanoke City Code Section 30-62



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending §30-1, <u>Violations of chapter</u>, of Article I, <u>In General</u>, amending Article III, <u>Street Excavations</u>; and amending §30-88, <u>Security</u>, of Division 2, <u>Construction of Sidewalks by Property Owners</u>, of Article IV, <u>Construction of Sidewalks</u>, <u>Curbs and Sidewalk Crossings</u>, of Chapter 30, <u>Streets and sidewalks</u>, Code of the City of Roanoke (1979), as amended, by amending, adding or repealing certain sections of Chapter 30 in order to promulgate standards for right-of-way excavation and restoration; authorizing the City Manager to promulgate such standards and any modifications thereto, and take such other action as required to implement such standards; permitting the use of a letter of credit as an additional form of security; providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 30-1, <u>Violations of chapter</u>, Article I, <u>In General</u>, of Chapter 30, <u>Streets and Sidewalks</u>, Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

#### §30-1. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class -4 3 misdemeanor.

2. Article III, <u>Street Excavations</u>, of Chapter 30, <u>Streets and Sidewalks</u>, Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

# ARTICLE III. STREET EXCAVATIONS DIVISION 1. GENERALLY

#### §30-45. Barricades and warnings. Work area protection.

It shall be the responsibility of each person obtaining a permit under this article to erect and maintain, at and around the excavation, barricades and warnings in accordance with the regulations and guidelines of the state department of highways and transportation. such standards as may be promulgated by the city manager and any applicable Virginia Department of Transportation regulations.

§30-46. Work to be diligently prosecuted; leaving excavation uncovered at night.

All work pursuant to a permit granted under issued pursuant this article shall be prosecuted with diligence and it shall be the responsibility of the permit holder to avoid unnecessary delays in completion of the work. Unless in case of absolute necessity, no excavation shall be left uncovered during the nighttime.

\* \* \*

#### §30-48. Restoration of street, alley, or public way when work completed.

When excavations pursuant to a permit issued under this article have been completed, the person doing such work or being responsible therefor shall immediately cause the street, alley or public way to be restored to its former eondition. in accordance with such standards as may be promulgated by the city manager. The work of, or connected with, restoring of the surface or pavement of the street, alley or public way, after such opening and the backfilling have been made, shall be done under the supervision and control of the city manager. Such restoration shall include all work necessary to restore the street, alley or public way to its original condition and in accordance with the above referenced standards.

# §30-49. Standards, rules, and/or regulations for the issuance of permits and the restoration of the streets, alleys or public ways.

The city manager is authorized to promulgate and implement standards, rules, and/or regulations, including modifications thereto, for the issuance of permits for excavations or work in the streets, alleys, or public ways and for the restoration of the streets, alleys, and public ways.

#### **DIVISION 2. PERMIT**

#### §30-60. Required; exceptions.

- (a) Except as noted herein, it It shall be unlawful for any person to make any excavation or opening in the surface or pavement of any street, alley or public way of the city, unless a permit so to do has been obtained from the city manager. Provided, however, This this section shall not apply to work done by duly authorized city personnel. routine maintenance and repair of street surfaces or manhole adjustments performed by or on behalf of the city.
- (b) In an emergency, when the necessities of the public require, an excavation or opening may be made without a permit; provided, however, that in such cases a permit shall be obtained as soon as possible after such excavation or opening has been made.

# §30-61. Application procedures.

Any person desiring a permit required by this article shall file, with the city manager, on a form provided therefor, an application for such permit, which application shall state the name of the applicant, the name of the street, the kind of pavement thereon, the purpose of the proposed excavation or opening and the exact size, length and location of the same. The contents of such application form shall be in accordance with such standards as may be promulgated by the city manager. The city manager shall prepare and keep on hand suitable such forms for the application provided for in this section.

#### §30-62. Fee.

An inspection A permit fee or charge, in such amount as is prescribed by the city council, shall be charged and collected for each permit issued under this division article, unless otherwise provided for by law. Such fees shall be paid (a) in full prior to the issuance of the permit, or (b) pursuant to the deferred payment program set forth in section 2-178.2 of this Code. The city, any public utility company, or its any other entity, or their contractor, conducting work requiring a permit in connection with a city or Virginia Department of Transportation project shall be exempt from such fee.

#### §30-63. Applicant's insurance and bond performance security.

No permit shall be granted under this division article unless the applicant shall have furnished to the city manager evidence of public liability insurance with limits of not less than one hundred thousand dollars (\$100,000.00) for one person and three hundred thousand dollars (\$300,000.00) for two (2) or more persons, together with property damage coverage of fifty thousand dollars (\$50,000.00) for any one accident, and satisfactory assurance that the restoration

of the street surface will be accomplished, such assurance to be in the form of a cashier's or certified check or surety bond in an amount equal to the estimated cost of restoring the street, alley or public way. The City Manager is hereby authorized and directed to adopt and enforce suitable rules and regulations for determining the estimated cost of the restoration of any opening in any street, alley or public way. and a performance security as may be required by such standards as may be promulgated by the city manager.

#### §30-64. Issuance or denial.

- (a)—The city manager shall issue a permit to make the opening described in the application filed under this division, unless the opening would be in violation of a city ordinance, create an unnecessary unavoidable public safety hazard or create a utility conflict, in any of which cases the permit will be denied by the city manager. Where the nature of the proposed work is such as to require a series of openings, close together, and where, in the opinion of the city manager, it is impossible or impracticable to determine in advance the exact size and location of he desired opening, a permit may be issued covering such series of openings for such length of street as may be deemed proper by the city manager.
- (b) The City Manager shall prepare and keep on hand suitable forms for permits issued pursuant to this division. approve, conditionally approve, or deny the application. The process and time period for such approval or denial of an application shall be in accordance with such standards as may be promulgated by the city manager.
- 3. Section 30-65, <u>Multiple street opening permit</u>, of Article III, <u>Street Excavations</u>, of Chapter 30, <u>Streets and Sidewalks</u>, of the Code of the City of Roanoke (1979), as amended, is hereby REPEALED.

#### §30-65. Multiple street opening permit.

Notwithstanding any other provision of this division, the city manager, upon application of any person, may issue a multiple street opening permit to allow up to fifteen (15) excavations or openings during the period of a calendar month. The fee for such permit shall be established by council. If the holder of a multiple street opening permit should perform more than fifteen (15) excavations or openings during the calendar month in which such permit is operative, the holder shall notify the city manager of the excavations or openings made in excess of fifteen (15) and shall pay the prescribed fee which shall be established by council for each additional excavation or opening.

4. Section 30-88, Security, of Division 2, Construction of Sidewalks by Property Owners, of Article IV, Construction of Sidewalks, Curbs and Sidewalk Crossings, of Chapter 30, Streets and sidewalks, Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

#### §30-88. Security.

No improvement authorized by this division shall be constructed by any person, unless such person shall have filed security with the city clerk of one thousand dollars (\$1,000.00) with the city clerk, conditioned upon the faithful performance of the work and the use of proper workmanship and materials. The security may be by a letter of credit, a certified or cashiers check, or a surety bond in a form approved by the city attorney, with some a guaranty surety company authorized to do business in this state, as surety.

- 5. The City Manager is authorized to take such action as may be necessary to implement and administer such standards, rules and/or regulations.
  - 6. This ordinance shall be in full force and effect on December 1, 2004.
- 7. Pursuant to the provisions of §12 of the Roanoke City Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.

ATTEST:



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION amending the City's Fee Compendium to provide revised fees for Right of Way Excavation Permits, formerly Street Opening Permits; increasing the fee from \$36.00 to \$50.00 in order to promote uniformity of the City's fees with other comparable jurisdictions; and providing for an effective date of December 1, 2004.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The following fees shall be charged for the following permits and services:

Fee charged for permits in accordance with the Right of Way Excavation and Restoration Standards, effective December 1, 2004:

#### **EXCAVATION PERMIT FEES:**

Permit Fee (30 days) \$ 50.00 Permit Fee (60 days) \$100.00

IF ANY EXCAVATION IS STARTED WITHOUT A REQUIRED PERMIT, IN ORDER FOR THE PERSON TO BE ALLOWED TO CONTINUE WITH SUCH EXCAVATION, THE PERSON MUST OBTAIN A PERMIT, AND THE COST OF SUCH PERMIT FEE SHALL BE TWICE THE APPLICABLE AMOUNT SET FORTH ABOVE (I.E., 30 DAY PERMIT FEE - \$100.00, 60 DAY PERMIT FEE - \$200.00)

- 2. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by the City Council by Resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, shall be amended to reflect the new and amended fees.
- 4. Resolution No. 32412-032795 is hereby amended to the extent and only to the extent of any inconsistency with this Resolution.

5.	The fees established by this Resolution shall remain in effect until amended by
this Council.	

6. This Resolution shall be in full force and effect on December 1, 2004.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Vice Mayor Honorable Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brian J. Wishneff, Council Member Honorable Brenda L. McDaniel, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Civic Facilities Name Changes

# Background:

The Roanoke Civic Center opened in 1971 as a multi-function venue that included the Coliseum, Exhibit Hall, Parlors, and Auditorium. At the time that the facility was built, many cities used the terms Parlor and Auditorium to describe areas in public assembly facilities. Today, the quality and types of events held at civic facilities have changed the image of public assembly facilities. Most facilities no longer refer to parlors, but call these spaces suites or meeting rooms. Also, many public assembly facilities have changed venue identification from Auditorium to more specific terms that better describe the use of the facility, such as theatre, performing arts center, cultural center, etc.

In August, the Civic Center Commission was informed of the proposed name changes of the Auditorium and Parlors. They were in agreement that the name of the meeting spaces should be changed from Parlors to Meeting Rooms 1, 2, 3, 4, and 5. Consideration was given to actually naming the rooms, but the consensus was to keep the room identification simple. The Commission also agreed that Roanoke Performing Arts Theatre was a better name for the Auditorium since we host the Roanoke

Honorable Mayor and Members of Council September 20, 2004 Page 2

Symphony Orchestra, concerts, Broadway musicals, plays, ballets, and other cultural event. In order to implement the name changes, City Council approval is required.

#### Considerations:

Members of the City Council are asked to consider the name change of the Parlors and Auditorium to Meeting Rooms and Roanoke Performing Arts Theatre, respectively. The name changes would be unveiled on October 5 at the first Broadway show of the season. The announcement of the new name would also be an opportune time to also showcase the renovations that have been made, including refinished stage, new dimming lighting system, all new seats with a center and cross aisle, and aisle carpeting.

#### Recommended Action:

City Council adopt the attached resolution changing the name of the Parlors to Meeting Rooms 1-5 and of the Auditorium to Roanoke Performing Arts Theatre. The name change would be revealed at the first Broadway show of the 2004-2005 season.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB: wyb

c: Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Wilhemina Y. Boyd, Director of Civic Facilities

#CM04-00164

of

# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION renaming the Roanoke Civic Center Auditorium as the Roanoke Performing Arts Theatre, and renaming the Roanoke Civic Center Parlors A, B, C, D and E as Meeting Rooms 1, 2, 3, 4 and 5.

WHEREAS, the Civic Center opened in 1971 as a multi-function venue that included the Coliseum, Exhibit Hall, Parlors and Auditorium; however, the quality and types of events have changed the image of public assembly facilities, and the Civic Center Commission has consequently approved the proposed renaming of the Auditorium and Parlors.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the Roanoke Civic Center Auditorium is hereby renamed the Roanoke Performing Arts Theatre and the Roanoke Civic Center Parlors A, B, C, D and E are hereby renamed Meeting Rooms 1, 2, 3, 4 and 5, in accordance with the recommendations in the City Manager's letter to Council dated September 20, 2004.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Subject:

First Street Bridge (Dr. Martin Luther King, Jr., Memorial Bridge)

# Background:

On February 3, 2003, Council Member Alfred Dowe suggested that the City of Roanoke propose that the First Street Bridge be named the Dr. Martin Luther King, Jr., Memorial Bridge. Council discussed this issue as the bridge could serve as a history walk to highlight the life of Dr. King and his role in the Civil Rights movement, it could serve as a teaching tool for the community in general, and it could serve as a symbol to bridge the community. It was also noted that this proposal meets the criteria of the Dr. Martin Luther King, Jr., Committee that was previously appointed by the City Manager to submit recommendations.

On March 3, 2003, Council Member Carder made a motion and Council Member Cutler seconded it, that the newly renovated First Street Bridge be named in memory of the late Dr. Martin Luther King, Jr., and that the City work with the Southern Christian Leadership Conference (SCLC) with regard to design elements. Citizens in the audience had an opportunity to address the motion and afterwards Council adopted the motion.

Mayor Harris and Members of City Council September 20, 2004 Page 2

The attached resolution names the bridge after Dr. King, contingent upon receiving the required approval of the Martin Luther King, Jr., Center for Nonviolent Social Change, which has advised that it must consent to the use of Dr. King's name for such a purpose.

#### Recommended Action:

Adopt the attached resolution authorizing the City Manager or designee to contact the Dr. Martin Luther King, Jr., Center for Nonviolent Social Change for its consent to the naming of the First Street Bridge after Dr. King as well as proposed design elements.

Respectfully submitted.

Darlene L. Burcham City Manager

DLB:RBR:jb

Mary F. Parker, City Clerk c: William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance R. Brian Townsend, Director of Planning, Building and Development

Rolanda B. Russell, Assistant City Manager

CM04-00167

M

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION designating and renaming the First Street Bridge as the Dr. Martin Luther King, Jr., Memorial Bridge.

WHEREAS, the Council of the City of Roanoke desires to rename the First Street Bridge as the Dr. Martin Luther King, Jr., Memorial Bridge, in order that the bridge can serve as a history walk to highlight the life of Dr. King and his role in the Civil Rights movement, can serve as a teaching tool for the community in general, and it can serve as a symbol to bridge the community.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. That certain bridge known as First Street Bridge is hereby designated and renamed the Dr. Martin Luther King, Jr., Memorial Bridge, contingent upon receiving the required approval from the Martin Luther King, Jr., Center for Nonviolent Social Change, for such use of Dr. King's name.
- 2. Once the Martin Luther King, Jr., Center for Nonviolent Social Change approves the name change, the City Engineer is directed to cause the above bridge name to be noted appropriately on all maps and plats lodged in his care and the City Manager is hereby authorized to cause the placement of appropriate name signs on the bridge.

ATTEST:



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Recommended addition to City Code Chapter 14.1 Solid Waste Management Servicing of Bulk Containers & Roll-off Containers

# Background:

City Code Section 21-204 indicates that "At certain levels, noise can be detrimental to the health, welfare, safety and quality of life of inhabitants of the city, and in the public interest, noise should be restricted. It is therefore the policy of the city to reduce noise in the community and to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power".

The servicing of privately owned bulk containers (dumpsters), as well as the use of roll-off containers, throughout the City of Roanoke, needs to be done during hours of the day that would be less objectionable to the community. An amendment to the Solid Waste Ordinance (Section 14.1) of the City Code has been developed that would limit servicing all bulk containers and roll-offs to between the hours of 6:00 a.m. and 12:00 a.m.

Honorable Mayor and Members of City Council September 20, 2004 Page 2

### **Recommended Action:**

City Council adopt the attached ordinance which will limit the time that these containers may be serviced, and place this amendment into effect immediately.

Respectfully submitted,

Darlene L. Burcham

City Manager

# DLB/RKB

C: Mary F. Parker, City Clerk William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance Robert K. Bengtson, P.E., Director of Public Works Frank (Skip) Decker III, Superintendent, Solid Waste Management

CM04-00169

Salled

# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §14.1-1, <u>Definitions</u>, of Article I, <u>In General</u>, by adding the definition of roll-off container, and amending and reordaining Division 2, <u>Private Collection of Bulk Containers</u>, of Article II, <u>Collection by an Authorized Person</u>, by the addition of new section 14.1-46, <u>Removal and emptying of bulk containers and roll-off containers</u>, of Chapter 14.1, <u>Solid Waste Management</u>, Code of the City of Roanoke (1979), as amended, by specifying the time roll-off containers may be removed and solid waste may be emptied from bulk containers; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 14.1-1, <u>Definitions</u>, of Article I, <u>In General</u>, of Chapter 14.1, <u>Solid Waste</u>

<u>Management</u>, of the Code of the City of Roanoke (1979), as amended, is hereby amended to read and provide as follows:

Sec. 14.1-1. Definitions.

The following words and phrases, as used in this chapter, shall have the following meanings:

\* \* \*

Roll-off container shall mean a container which is constructed so that it may be mechanically lifted onto a motor vehicle for transportation and disposal of the container's contents.

\* \* \*

2. Division 2, <u>Private Collection of Bulk Containers</u>, of Article II, <u>Collection by an Authorized Person</u>, of Chapter 14.1, <u>Solid Waste Management</u>, of the Code of the City of Roanoke (1979) as amended, is amended, to read and provide as follows:

§14.1-46. Removal and emptying of bulk containers and roll-off containers.

No bulk container or roll-off container may be emptied or removed between the hours of midnight and 6:00 a.m. on any day.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

MMB

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION reappointing a Director of the Industrial Development Authority of the City of Roanoke, to fill a four (4) year term on the Board of Directors.

WHEREAS, the Council is advised that the term of office of Charles E. Hunter, III, a Director of the Industrial Development Authority of the City of Roanoke, Virginia, will expire on October 20, 2004;

WHEREAS, §15.2-4904, Code of Virginia (1950), as amended, provides that appointments made by the governing body of such Directors shall, after initial appointment, be made for terms of four (4) years, except appointments to fill vacancies which shall be for the unexpired terms; and

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that Charles E. Hunter, III, is hereby reappointed as a Director on the Board of Directors of the Industrial Development Authority of the City of Roanoke, Virginia, for a term of four (4) years commencing on October 21, 2004, and expiring on October 20, 2008, to fill a vacancy created by the expiration of his term of office occurring on October 20, 2004.

ATTEST:

MAK

# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION changing the time of commencement of the regular meeting of City Council scheduled to be held at 9:00 a.m., on Thursday, October 7, 2004.

BE IT RESOLVED by the Council of the City of Roanoke that:

- 1. The time of commencement of the meeting of City Council scheduled to be held at 9:00 a.m., on Thursday, October 7, 2004, in Room 159 of the Noel C. Taylor Municipal Building, at 215 Church Avenue, S. W., in the City of Roanoke, is hereby changed to commence at 12:00 Noon on that date.
- 2. Resolution No. 36762-070604, adopted July 6, 2004, is hereby amended to the extent it is inconsistent with this resolution.
- 3. The City Clerk is directed to cause a copy of this resolution to be posted adjacent to the doors of the Council Chambers and inserted in a newspaper having general circulation in the City at least seven days prior to October 7, 2004.

ATTEST:

BN4

# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION paying tribute to the Patrick Henry High School Boys Tennis Team as the undefeated Western Valley District Champions for 2004.

WHEREAS, the Patrick Henry High School Boys Tennis Team for 2004 is comprised of Robert "Bo" Edwards, Chris Hincker, Joseph Salamoun, Ryan Luckay, Alex Hincker, Tyler Early, Sandy Huff, Brock Newton, Tom Raney and Giles Roberts;

WHEREAS, this year the team defended the Northwest Regional Title;

WHEREAS, the team also won the first tennis team state title in school history, with an overall record of 20-1;

WHEREAS, during the 2004 boys tennis season, several of the team's members have won district and regional competitions, including the following: Brock Newton defended his Northwest Regional single's title; Brock Newton and Tyler Early were four-time district and regional doubles champions; Brock Newton and Tyler Early won the state doubles title; Bo Edwards and Chris Hincker reached state quarterfinals in doubles; and Tyler Early reach state quarterfinals in singles;

WHEREAS, under the leadership of Assistant Coach Chris Newton and Head Coach Joel Higham, the team has been named the undefeated Western Valley District Champions for 2004, never losing a match point.

THEREFORE, BE IT RESOLVED by Council of the City of Roanoke that:

1. Council adopts this resolution proclaiming September 20 as Patrick Henry High School Boys Tennis Team Day, recognizing and commending the team as the undefeated Western Valley District Champions for 2004.

2. The City Clerk is directed to forward an attested copy of this resolution to the team's head coach, Joel Higham.

ATTEST:



Architectural Review Board Board of Zoning Appeals Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from The Branch Family, LLC, represented by Maryellen F. Goodlatte, attorney, that property located 2203 Franklin Road, S.W., Official Tax No. 1150104, and two additional parcels on Franklin Road, identified as Official Tax Nos. 1150102 and 1150112, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, such rezoning to be subject to certain conditions proffered by the petitioner.

# Planning Commission Action:

Planning Commission public hearing was held on Thursday, August 16, 2004. After discussion, the Commission, by a roll call vote of 7-0, recommended approval of the conditional rezoning request.

# Background:

The petitioner filed the petition for Tax Map Nos. 1150104, 1150102, and 1150112 on July 1, 2004. A First Amended Petition was submitted on July 28, 2004 with the following proffered conditions:

- 1. That the property shall be used only for the following uses:
  - a. Permitted Uses:

- 1) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.
- 2) Indoor fitness center.
- 3) General and professional offices including financial institutions.
- 4) Medical clinics.
- 5) Medical offices.
- 6) General service establishments, except that general service establishments primarily engaged in the repair or maintenance of motor vehicles shall not be permitted.
- 7) Restaurants.
- 8) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.
- 9) Storage and warehouse activities which are accessory to a retail use where all storage activities are wholly enclosed in a building which is located on the same lot as the retail use and where the gross floor area of buildings used for storage activities does not exceed fifty (50) percent of the gross floor area of the retail use.
- 10) Veterinary clinics with no outside corrals or pens.
- 11) Personal service establishments.
- 12) Business service establishments.

#### b. Special Exception Uses:

- Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that and so long as a special exception is granted:
  - a. The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.
  - b. The use is located on a major arterial road or highway.
- 2) Manufacturing, assembly, mixing, processing or other processes which is accessory to a retail use, where all such activities are wholly enclosed in the same building as the retail use and where no more than five (5) people are involved in such processes

- on the premises, so long as a special exception is granted.
- 3) Medical laboratories, so long as a special exception is granted.
- That there shall be no more than two (2) curb cuts on Franklin Road serving the property.
- 3. That the property will be developed in substantial conformity with the Development Plan made by Hughes Associates Architects, dated June 25, 2004, attached to this petition as Exhibit B, subject to any changes required by the City during the Comprehensive Site Plan review.
- 4. Deciduous trees, having a minimum caliper of two (2) to two and one half (2 1/2) inches at planting, shall be installed and maintained in the planting buffer along the Franklin Road right-of-way at a rate of one (1) tree for each fifty (50) feet of street frontage.

#### Consideration:

The adjacent land uses and zoning districts include:

- Along Franklin Road to the east is a Fast Fare gas station zoned C-2, General Commercial.
- Along Franklin Road to the west is the Soccer Stop retail store zoned C-2, General Commercial. Abutting Tax Map No. 1150104 to the northwest is Tax Map No. 1150106. It has a warehouse use and is split zoned C-2, General Commercial District, and LM, Light Manufacturing District.
- To the north, across the Norfolk Southern right-of-way are two large parcels zoned LM, Light Manufacturing District, which have various light industrial and warehousing uses.
- Across Franklin Road, is a vacant parcel zoned C-2, General Commercial District.

The request is consistent with the following recommended actions and statements of *Vision 2001-2020*, the City's comprehensive plan:

- Impervious surface reduction: Limit the amount of impervious surfaces to reduce runoff (EC A13, p.50).
- Commercial development: Identify underutilized commercial sites and promote revitalization (ED A26, p.61).

- Area plan initiative: Explore redevelopment of areas identified for industrial, commercial, or mixed-use development along Franklin Road between the South Jefferson Redevelopment Area and Wonju Street (p.62).
- *Curb cuts*: Curb cuts should be minimized along commercial corridors (p.92).
- Street trees: Trees are an essential element of the streetscape and should be planted along all non-suburban streets (p.94).

The future land use map of the *Franklin Road/Colonial Avenue Area Plan*, adopted by City Council June of 2004, shows the subject parcels as light manufacturing uses. The plan states the importance of:

• Commercial centers: Identify or create nodes along Franklin Road for commercial centers; concentrations of small- to medium-sized commercial establishments (p.14).

The total area of the three (3) subject parcels is 35,481 square feet. The principal structure is a 7,175 square foot building. The front of the building is a retail/office space with a warehouse area in the back. A phone assembly and repair business occupies the building. There are no accessory structures on the subject parcels.

"Downzoning" the subject parcels to allow for commercial uses is consistent with the surrounding land uses along the north side of the 2200 block of Franklin Road. Uses include a beauty salon, gas station, and a retail store. In addition, there has been a trend towards converting industrially zoned property to commercially zoned property. Over the last nine (9) years, there have been two conditional rezoning amendments from LM, Light Manufacturing District, to C-2, General Commercial District, along this block-face. The first rezoning in July of 1995 was for the Soccer Stop retail store abutting the subject parcels to the west. The second amendment was to rezone the 7.292 acre multi-parcel zoning in December of 2002 on the corner of Franklin Road and Wonju Street from LM to C-2.

Ore Branch flows through the subject properties with the principal structure straddling both sides of the creek's banks. A large portion of the principal structure is in the floodway and the 100-year floodplain. Any redevelopment or change of use will be subject to compliance with the Floodplain Zoning Regulations in the Zoning Ordinance and related provisions of the building code. In addition, the regulations of the floodway limit redevelopment options for the placement of new or

replacement structures on the site, or additions to existing structures on the parcels. Staff believes the Floodplain Zoning Regulations adequately ensure proper floodplain management of the subject parcels.

The proffered site plan illustrates development improvements including a reduction in the width of the existing curb cuts, a reduction in parking surface area and replacement with a landscaping buffer along Franklin Road, and an elimination of an existing parking area directly in front of the building. The petitioner also proffers to plant a tree every 50' feet within the landscaping buffer area.

Staff received one phone message from an adjacent property owner supporting the petitioner's request.

Planning Commission discussion centered on the limitations of the site due to its location in the Floodplain.

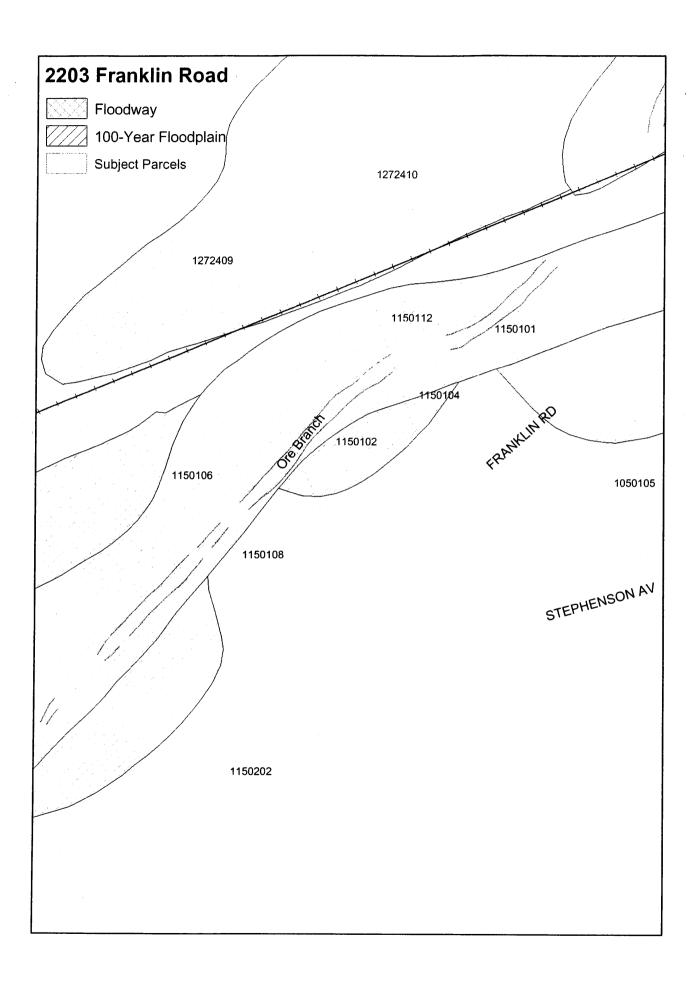
#### Recommendation:

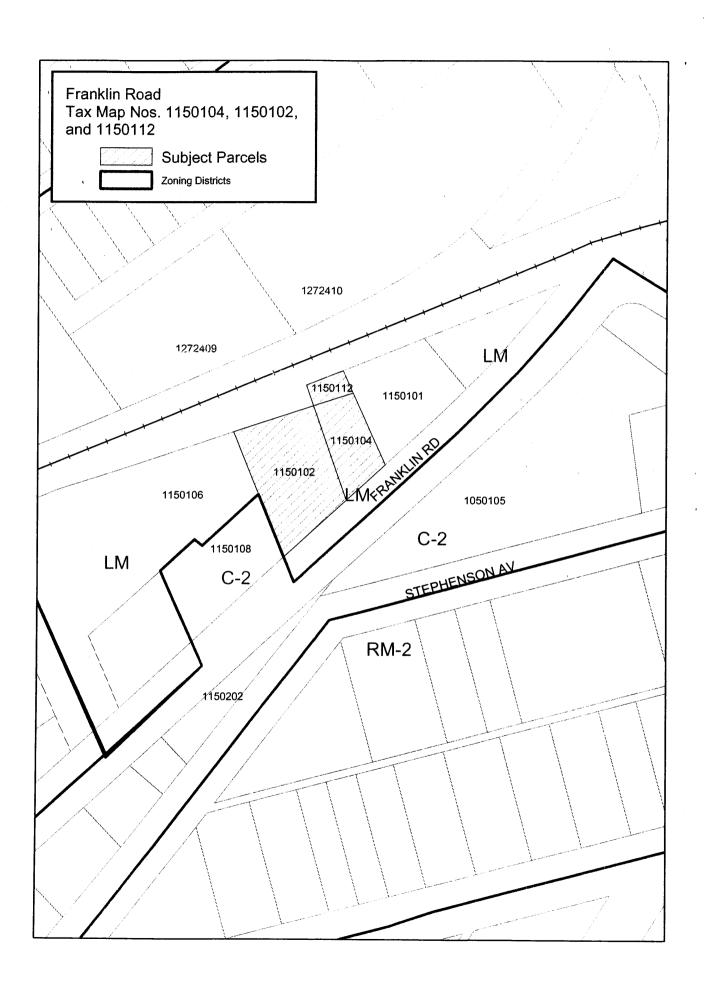
By a roll call vote of 7-0, the Planning Commission recommended approval of the rezoning request, with proffered conditions, given the prevailing land use pattern.

Respectfully submitted,

Robert B. Manetta, Chairman City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community
Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Maryellen Goodlatte, Attorney for the Petitioner





#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

#### IN RE:

Rezoning approximately 0.79 acres consisting of three (3) tracts of land lying and being in the City of Roanoke, Virginia, and briefly described as:

Tax Map No. 1150104, 2203 Franklin Road, S.W.

Tax Map No. 1150102, 0.53 acres, Franklin Road, S.W.

Tax Map No. 1150112, 0.03 acres, Franklin Road, S.W.

from LM, Light Manufacturing District, to C-2, General Commercial District, such rezoning to be subject to certain conditions.

#### AMENDED PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

Petitioner The Branch Family L.L.C. owns real property in the City of Roanoke, Virginia, containing 0.79 acres, more or less, having Tax Map Numbers 1150104, 1150102 and 1150112. The property is currently zoned LM, Light Manufacturing District. A map of the property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, Petitioner requests that the said property be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions set forth below, for the purpose of permitting office and retail use on the property. The conceptual development plan prepared by Hughes Associates Architects, dated June 25, 2004, is attached hereto as Exhibit B ("Development Plan").

Petitioner believes the rezoning of the property will further the intent and purposes of the City's Zoning Ordinance and Vision 2001-2020 Comprehensive Plan. This property is located along and would be oriented toward Franklin Road. This project will promote quality development

and good use along the Franklin Road commercial corridor, and would permit this parcel to be used for commercial and office purposes consistent with its neighbors.

If said tracts are rezoned as requested, petitioner hereby proffers and agrees as follows:

- 1. That the property shall be used only for the following uses:
  - a. Permitted Uses:
    - 1) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.

the Walter of the

- 2) Indoor fitness center.
- 3) General and professional offices including financial institutions.
- 4) Medical clinics.
- 5) Medical offices.
- 6) General service establishments, except that general service establishments primarily engaged in the repair or maintenance of motor vehicles shall not be permitted.
- 7) Restaurants.
- 8) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.

- 9) Storage and warehouse activities which are accessory to a retail use where all storage activities are wholly enclosed in a building which is located on the same lot as the retail use and where the gross floor area of buildings used for storage activities does not exceed fifty (50) percent of the gross floor area of the retail use.
- 10) Veterinary clinics with no outside corrals or pens.
- 11) Personal service establishments.
- 12) Business service establishments.

#### b. Special Exception Uses:

- 1) Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that and so long as a special exception is granted:
  - a. The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.
  - b. The use is located on a major arterial road or highway.
- 2) Manufacturing, assembly, mixing, processing or other processes which re accessory to a retail use, where all such activities are wholly enclosed in the same building as the retail use and where no more than five (5) people are involved in such processes on the premises, so long as a special exception is granted.
- 3) Medical laboratories, so long as a special exception is granted.

2. That there shall be no more than two (2) curb cuts on Franklin Road serving the property.

3. That the property will be developed in substantial conformity with the Development Plan made by Hughes Associates Architects, dated June 25, 2004, attached to this petition as Exhibit B, subject to any changes required by the City during the Comprehensive Site Plan review.

4. Deciduous trees, having a minimum caliper of two (2) to two and one-half (2 1/2) inches at planting, shall be installed and maintained in the planting buffer along the Franklin Road right-of-way at a rate of one (1) tree for each fifty (50) feet of street frontage.

Attached as Exhibit C are the names, addresses and tax numbers of the owners of all lots or properties immediately adjacent to, immediately across a street or road from the property to be rezoned.

WHEREFORE, Petitioner requests that the above-described tracts be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

This amended petition is respectfully submitted this **28** day of July, 2004.

The Branch Family L.L.C.

By: Maryelen F Hoodlatte
Of Counsel

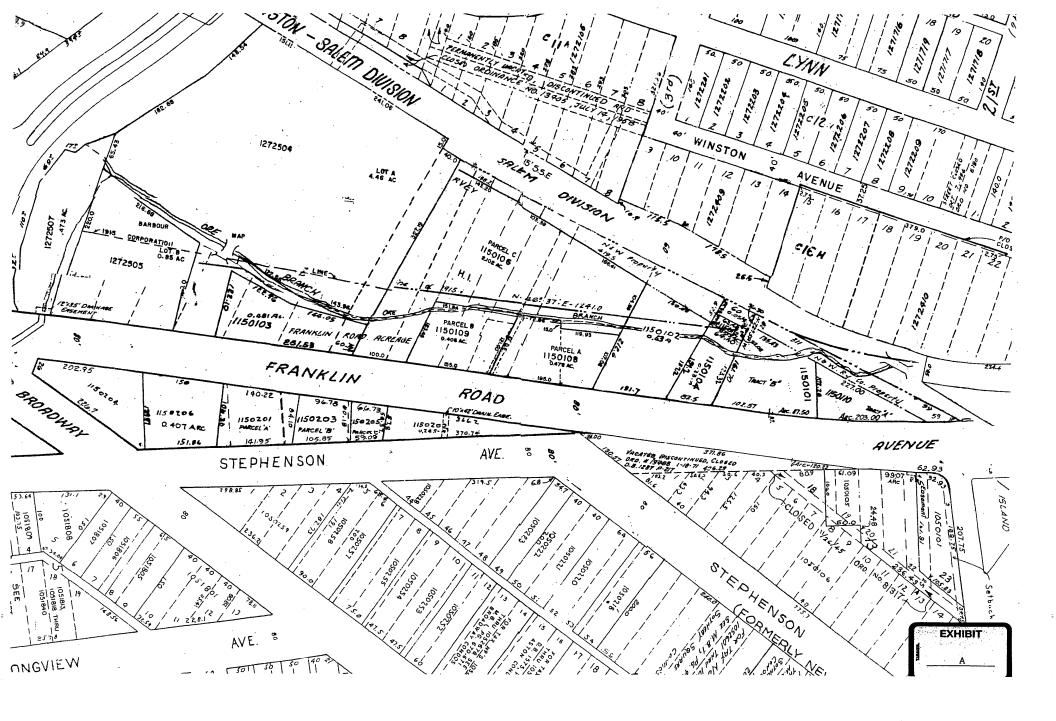
Maryellen F. Goodlatte, Esq. Glenn, Feldmann, Darby & Goodlatte 210 1st Street, S.W., Suite 200 P. O. Box 2887 Roanoke, Virginia 24001-2887 (540) 224-8018 - Telephone (540) 224-8050 - Facsimile mgoodlatte@gfdg.com

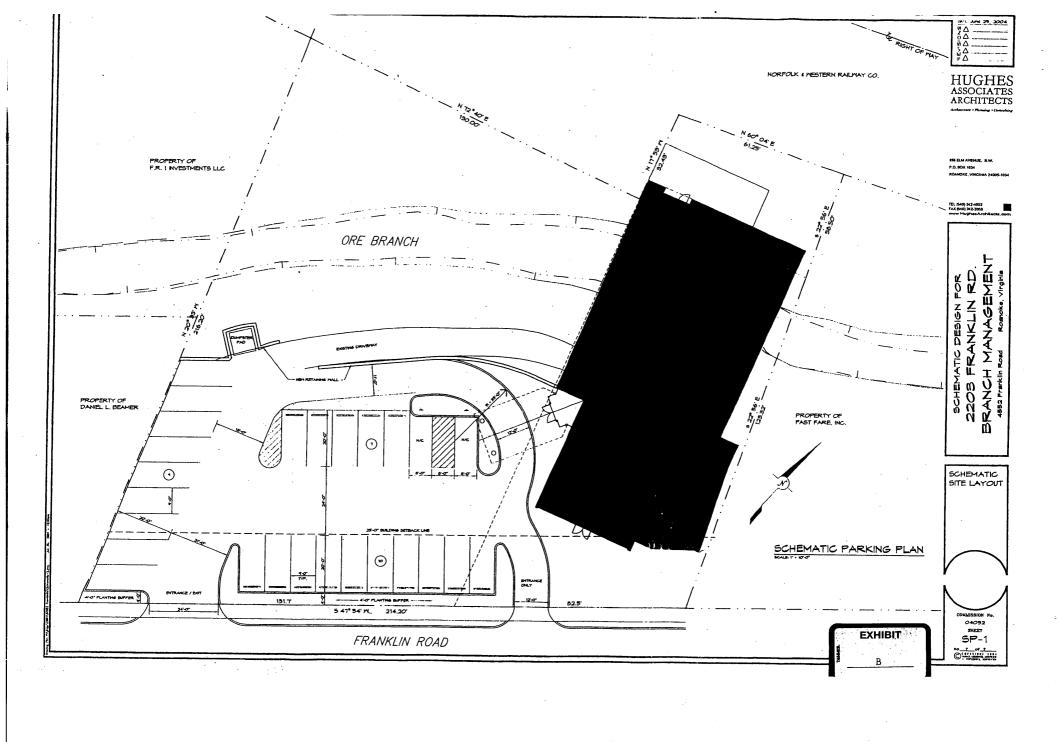
The Branch Family L.L.C., a Virginia limited liability company, owner of the property subject to this petition, hereby consents to this amended rezoning petition, including the voluntary proffers contained herein.

THE BRANCH FAMILY L.L.C.

Ву:\_\_

Thomas O. Branch, Manager

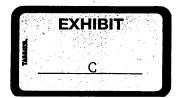




# ADJOINING PROPERTY OWNERS

Tax Parcel Number 1150104, 2203 Franklin Road, S.W. Tax Parcel Number 1150102, 0.53 acres, Franklin Road, S.W. Tax Parcel Number 1150112, 0.03 acres, Franklin Road, S.W.

Tax Map Number	Owner(s)/Address
1150108	Daniel L. Beamer 2219 Franklin Road, S.W. Roanoke, Virginia 24014
1150106	FR 1 Investments LLC P. O. Box 477 Troutville, Virginia 24175
1272409	Richard A. Dearing Nancy G. Dearing P. O. Box 8224 Roanoke, Virginia 24014
1272410	Cecil E. Hodges, Jr. and Audrey R. Hodges 2024 Winston Avenue, S.W. Roanoke, Virginia 24014
1150101	Fast Fare, Inc. One North Charles P. O. Box 1168 Baltimore, Maryland 21203
1050105	Adnil Properties, LLC 3613 Peakwood Drive, S.W. Roanoke, Virginia 24014
1150202	Mack D. Cooper, II 1410 Main Street, S.W. Roanoke, Virginia 24015





#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 115, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, The Branch Family, LLC has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on September 20, 2004, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's

Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 115 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

That certain property located at 2203 Franklin Road, S.W., Official Tax No. 1150104, and two additional parcels on Franklin Road, identified as Official Tax Nos. 1150102 and 1150112, and designated on Sheet No. 115 of the Sectional 1976 Zone Map, City of Roanoke, be, and are hereby rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to the proffers contained in the First Amended Petition filed in the Office of the City Clerk on July 28, 2004, and that Sheet No. 115 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

# OF ROAD

Architectural Review Board Board of Zoning Appeals Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from Joe Macione and Annette Macione, represented by Maryellen F. Goodlatte, attorney, that property located at 677 Brandon Avenue, S.W., Official Tax No. 1270801, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, such rezoning to be subject to certain conditions proffered by the petitioner.

# Planning Commission Action:

Planning Commission public hearing was held on Thursday, August 19, 2004. At the conclusion of the public hearing, motion was made, duly seconded and approved by a roll call vote of 7-0, to recommend that City Council approve the requested rezoning.

# Background:

The petitioner filed a request to rezone Tax Map No. 1270801 from LM, Light Manufacturing District, to C-2, General Commercial District, on July 1, 2004. A First Amended Petition and subsequent Second Amended Petition were filed on July 23 and July 27, respectively. The petitioner proffers the following conditions:

- (1) That the property shall be used only for the following uses:
  - a. Permitted Uses

- 1) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.
- 2) General and professional offices including financial institutions.
- 3) Medical clinics.
- 4) Medical offices.
- 5) General service establishments, except that general service establishments primarily engaged in the repair or maintenance of motor vehicles shall not be permitted.
- 6) Restaurants.
- 7) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.
- 8) Veterinary clinics with no outside corrals or pens.
- 9) Plant nurseries and greenhouses including those with retail sales.
- 10) Personal service establishments.
- 11) Business service establishments.

#### b. Special Exception Uses

- 1) Fast food restaurants, so long as a special exception is granted.
- (2) That there shall be no more than (2) curb cuts on Brandon Avenue serving the property, with each cut not exceeding 15' in width.
- (3) That total signage for the property shall not exceed 375 square feet of sign area.
- (4) That a five (5) foot landscaped buffer will be installed between the Brandon Avenue right-of-way and the parking areas on the property, with curbing installed between said buffer and the parking areas. At least three (3) street trees having a minimum diameter of 2 ½ inches shall be planted within five (5) feet of the Brandon Avenue right-of-way and not necessarily centered along the 5 foot landscaped buffer.

#### Consideration:

The adjacent land uses and zoning districts include:

- Norfolk Southern right-of-way is located to the north zoned LM, Light Manufacturing.
- Adjacent to the subject parcel along Brandon Avenue to the east is Uptown Audio retail store zoned C-2, General Commercial; to the west is A Cleaner World dry-cleaners zoned LM, Light Manufacturing.
- Located across Brandon Avenue is Towers Shopping Mall zoned C-2, General Commercial.

The request is consistent with the following recommended actions and statements of *Vision 2001-2020*, the City's Comprehensive Plan:

- Impervious surface reduction: Limit the amount of impervious surfaces to reduce runoff (EC A13, p.50).
- Curb cuts: Curb cuts should be minimized along commercial corridors (p.92).
- Street trees: Trees are an essential element of the streetscape and should be planted along all non-suburban streets (p.94).
- Signs: Visual clutter should be discouraged (p.92).
- Commercial development: Commercial development should be concentrated at key intersections (ED P6, p.59).

The total land area of the subject parcel is 18,326 square feet. The principle structure is a 1,856 square foot building. A 3-bay auto repair garage/gas station currently occupies the building. Under the conditional rezoning, the current uses of a service station and gas station would become legally non-conforming uses.

The future land use map of the *Franklin Road/Colonial Avenue Area Plan*, adopted by City Council June of 2004, shows the subject parcel as a general commercial use. The 600 block of Brandon Avenue is occupied by various restaurants and retail and service establishments. The proffered uses are compatible with the prevailing land use pattern on the block-face and in Towers Shopping Mall. Staff believes that a commercial rezoning with conditions is a suitable zoning district for this parcel given its location along the Brandon Avenue commercial corridor and its proximity to a large shopping center.

With the proffered conditions, the application of C-2, General Commercial District, is appropriate. The proffers provide reassurance that the subject parcel would be reused or redeveloped in a consistent manner

with the principles of *Vision 2001-2020*. The limitations on use, reduction in the width of the existing curb cuts, a limitation of sign area to approximately half of the allowable square footage, a five foot landscaping buffer, and trees along the streetscape are all positive steps towards a successful reuse of this property.

Planning Commission discussion centered on the following:

- The question whether thirteen (13) spaces shown on the Concept Plan would be sufficient to support a restaurant use. They agreed that since there are many proffered uses for the subject parcel outlined in the petition that parking is better addressed after a use has been decided upon during the comprehensive site plan review process.
- Commissioners asked staff to clarify how a sidewalk, if installed in the future, would be constructed on Brandon Avenue in relation to the 5 foot landscape buffer. Staff responded that the landscape buffer and curbing would be installed on private property to the inside of and future sidewalk, which would be located in the public right-of-way.

#### Recommendation:

By a vote of 7-0, the Planning Commission recommends that City Council approve the requested rezoning, with conditions, given the petition's consistency with *Vision 2001-2020*.

Respectfully submitted,

Robert B. Manetta, Chairman Roanoke City Planning Commission

Robert B. Manetta

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community
Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Maryellen Goodlatte, Attorney for the Petitioner

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

#### IN RE:

Rezoning of one tract of land located at 677 Brandon Avenue, S.W., identified as official Tax Map Number 1270801, from LM, Light Manufacturing District, to C-2, General Commercial District, such rezoning to be subject to certain conditions.

#### SECOND AMENDED PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

The Petitioners, Joe Macione and Annette Macione, have contracted to purchase real property in the City of Roanoke, Virginia, containing 0.42 acres, more or less, located at 677 Brandon Avenue, S.W., and being Tax Map Number 1270801, from Chapman Enterprises, L.L.C. The property is currently zoned LM, Light Manufacturing District. A map of the property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, Petitioners request that the said property be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions set forth below, for the purpose of permitting a restaurant on the property. The conceptual development plan prepared by William P. Bowling, NCARB, Architect, dated July 1, 2004, is attached hereto as Exhibit B ("Development Plan").

Petitioners believe the rezoning of the property will further the intent and purposes of the City's Zoning Ordinance and Vision 2001-2020 Comprehensive Plan. This property is located along and would be oriented toward Brandon Avenue. This project will promote

quality development and good use along the Brandon Avenue commercial corridor, and would permit this parcel to be used for commercial purposes consistent with its C-2 neighbors.

If the said tract is rezoned as requested, petitioners hereby proffer and agree as follows:

- 1. That the property shall be used only for the following uses:
  - a. Permitted Uses:
    - Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.
    - 2) General and professional offices including financial institutions.
    - 3) Medical clinics.
    - 4) Medical offices.
    - 5) General service establishments, except that general service establishments primarily engaged in the repair or maintenance of motor vehicles shall not be permitted.
    - 6) Restaurants.
    - 7) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.
    - 8) Veterinary clinics with no outside corrals or pens.

- 9) Plant nurseries and greenhouses including those with retail sales.
- 10) Personal service establishments.
- 11) Business service establishments.
- b. Special Exception Uses:
  - 1) Fast food restaurants, so long as a special exception is granted.
- 2. That there shall be no more than two (2) curb cuts on Brandon Avenue serving the property, with each cut not exceeding 15' in width.
  - 3. That total signage for the property shall not exceed 375 square feet of sign area.
- 4. That a five (5) foot landscaped buffer will be installed between the Brandon Avenue right-of-way and the parking areas on the property, with curbing installed between said buffer and the parking areas. At least three (3) street trees having a minimum diameter of 2 1/2 inches caliper shall be planted within five (5) feet of the Brandon Avenue right-of-way and not necessarily centered along the 5 foot landscaped buffer.

Attached as Exhibit C are the names, addresses and tax numbers of the owners of all lots or properties immediately adjacent to, immediately across a street or road from the property to be rezoned.

WHEREFORE, Petitioners request that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

This amended petition is respectfully submitted this 27 day of July, 2004.

Joe Macione Annette Macione

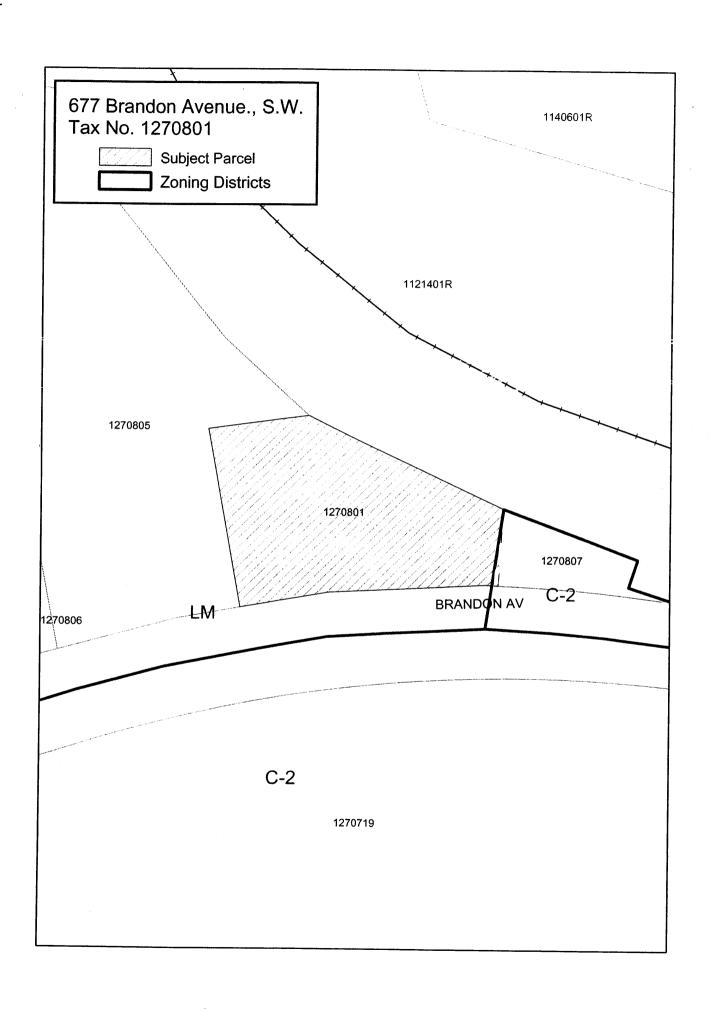
By: Majeller F. Mocalatti
Of Counsel

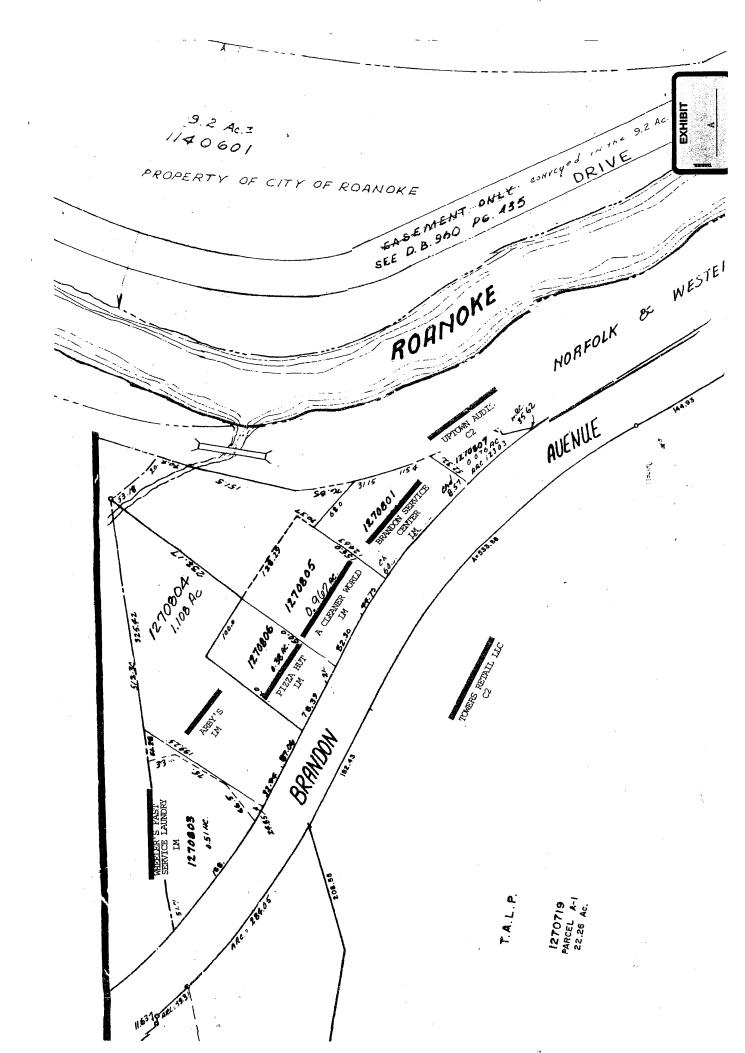
Maryellen F. Goodlatte, Esq. Glenn, Feldmann, Darby & Goodlatte 210 1st Street, S.W., Suite 200 P. O. Box 2887 Roanoke, Virginia 24001-2887

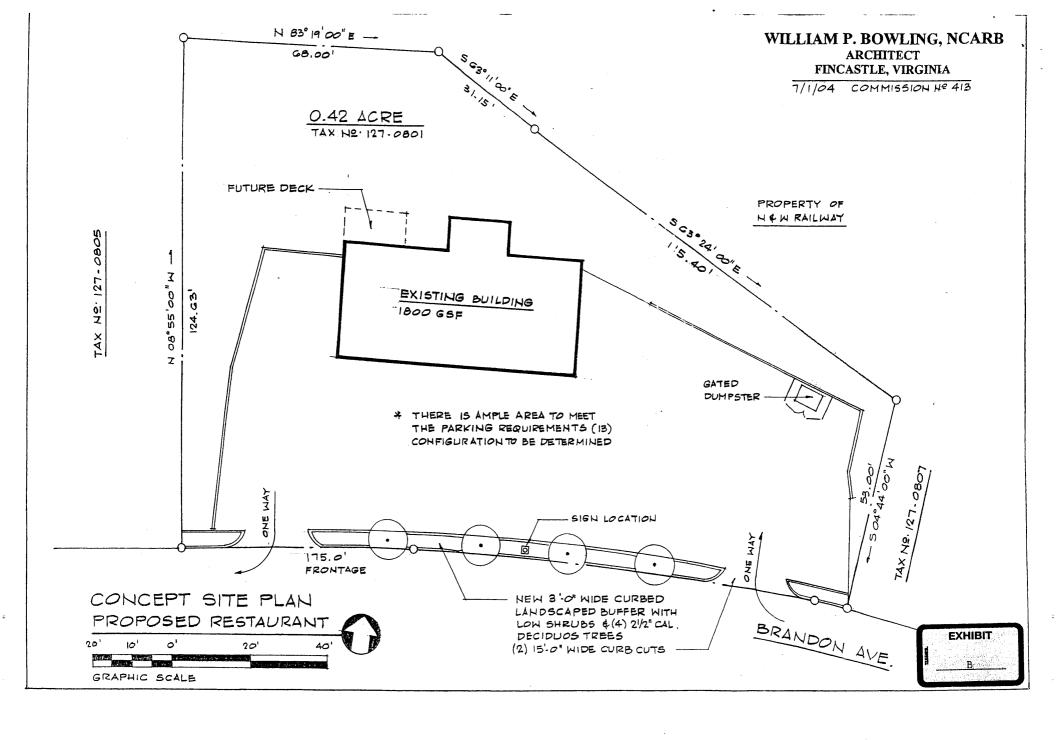
(540) 224-8018 - Telephone (540) 224-8050 - Facsimile mgoodlatte@gfdg.com Chapman Enterprises, L.L.C., a Virginia limited liability company, owner of the property subject to this petition, hereby consents to this amended rezoning petition filed by Jos Macions and Annette Macione, contract purchasers of said property, including the voluntary proffers contained herein.

CHAPMAN ENTERPRISES, I

Gerald Chapman, Manager







# ADJOINING PROPERTY OWNERS

Tax Parcel Number 1270801 677 Brandon Avenue, S.W., Roanoke, Virginia 24015

Tax Map Number	Owner(s)/Address
1270805	Warren Properties, Inc. 2334 English Road High Point, North Carolina 27262
1140601	City of Roanoke (Smith Park) 215 Church Avenue, S.W., Room 250 Roanoke, Virginia 24011
1270807	Brenda Lea Robertson Simmons P. O. Box 253 Fincastle, Virginia 24090
1270719	Towers Retail, LLC 8405 Greensboro road, Suite 830 McLean, Virginia 22102



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 127, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, Joe Macione and Annette Macione have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on September 20, 2004, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 127

of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner

and no other:

That property located at 677 Brandon Avenue, S.W., Official Tax No. 1270801, and

designated on Sheet No. 127 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby

rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to

the proffers contained in the Second Amended Petition filed in the Office of the City Clerk on

July 27, 2004, and that Sheet No. 127 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this

ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Architectural Review Board **Board of Zoning Appeals** Planning Commission

# **CITY OF ROANOKE** PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel. Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from Paul and Sharon Crawford that tracts of land lying on Church Avenue, S.E., between 11th and 12th Street, S.E., and designated as Official Tax Nos. 4111409 through 4111417, inclusive, be rezoned from LM, Light Manufacturing District, to RM-1, Residential Multifamily, Low

Density District, such rezoning to be subject to certain

conditions proffered by the petitioner.

# Planning Commission Action:

Planning Commission public hearing was held on August 19, 2004. The Commission, by a roll call vote of 6-1 (Messrs, Butler, Chrisman, Manetta, Rife, Williams and Ms. Prince voting for and Mr. Scholz voting against) recommended Council approve the second amended petition.

# Background:

The petition to rezone Tax Map Nos. 4111409 through 4111417 from LM, Light Manufacturing District, to RM-1, Residential Multifamily Conditional, Low Density District, for the purpose of developing singlefamily dwelling units was filed on July 1, 2004. A First Amended Petition was submitted on July 13, 2004. The petitioner submitted a list of three (3) proposed proffered conditions to the Planning Commission. A Second Amended Petition was voted on by the Planning Commission and later filed on September 2, 2004. The proffered conditions were as follows:

- 1) Due to the location of the principal structures at Official Tax Map Number 4111409 and Official Tax Map Number 4111417, any principal structure shall be set between ten (10) and twenty (20) feet back from the right-of-way of Church Avenue.
- 2) The width of new dwellings shall not exceed thirty (30) feet.
- 3) New dwellings shall conform to the Neighborhood Design District standards for new construction contained in Subsections (b) through (f), inclusive, of Section 36.1-393 of the Zoning Ordinance. (Subsection (a) shall not apply.)

#### Consideration:

The adjacent land uses and zoning districts include:

- Eight (8) vacant parcels located in the same block abutting the subject parcels along the rear property lines to the north and fronting on Kirk Avenue. The parcels are zoned LM, Light Manufacturing District.
- Across 12<sup>th</sup> Street to the east is a single-family house zoned LM, Light Manufacturing District.
- On the south block-face of Church Avenue are vacant parcels, a single-family dwelling, and two (2) duplexes zoned RM-1, Residential Multifamily, Low Density District.
- Across 11<sup>th</sup> Street to the west is an electrical contractor's business zoned LM, Light Manufacturing District.

The request is consistent with the following recommended actions and statements of *Vision 2001-2020*, the City's Comprehensive Plan:

- Housing stock: New residential development is constrained by the limited number and size of available sites (p.35).
- Housing opportunities: Sustainable neighborhoods require a competitive mix of affordable and market-rate housing opportunities (NH P7).
- Traditional neighborhoods: Houses should be consistent in terms of front yard setback and bulk (p.90).

The future land use map of the *Belmont-Fallon Neighborhood Plan*, adopted by City Council in January of 2003, shows industrial uses for the

1100 block of Church Avenue. However, it is important to note sections of the plan that help support this petition. The plan states:

- *Improve housing:* At community workshops, participants cited the need to improve housing conditions as the highest priority for the neighborhood (p.13).
- Housing development: Future housing development should promote income diversity by focusing on market-rate housing and by encouraging home ownership (p.13).
- Develop vacant lots: Many of the vacant lots (about 400) are good opportunities for new housing development (p.13).
- Building location: Established building line of existing development should be used to guide placement of infill dwellings (p.33).
- Change industrial zoning: Where zoning is industrial, but the primary use is likely to remain residential, change zoning to a residential district (p.34).
- Market-rate housing: The primary focus for new development will be on market-rate housing, given current supplies of affordable housing in the neighborhood (p.35).
- *Design:* New structures must be well-designed and compatible with existing buildings (p.35).
- Zoning changes: Initiate zoning changes to support housing revitalization (p.36).

There are currently two single-family houses located on opposite ends of the block face. The single-family dwellings are legally nonconforming uses. One structure is a one-story, 864 square-foot building set approximately 20 feet from the street. The second structure is a two-story, 1,337 square-foot building set approximately 10 feet from the street. The proffered condition provides that new dwellings will have a building line consistent with the existing houses on the block face. Furthermore, the petition provides "downzoning" the subject parcels to a residential district that is compatible with the existing land use and zoning pattern facing the subject parcels on the south side of Church Avenue. Single-family dwellings are the predominant land use in the 1200 block of Church Avenue as well.

In reference to Exhibit 3 (the concept plan), the petitioner plans to retain the two (2) existing structures and construct three (3) new

dwellings on the original platted lots. The six (6) vacant parcels have a total frontage of 195 feet. Given the minimum lot frontage requirement of 50 feet in the RM-1, Residential Multifamily, Low Density District, a total of three (3) principal dwellings can be constructed on these parcels. Duplexes and townhouses are only allowed by special exception in a RM-1 district.

The three proffered conditions by the petitioner ensure new dwellings will be compatible with the massing and set-backs of the existing structures. In addition, the proffer adopting the majority of the neighborhood design standards will provide for quality new development.

Three people spoke in opposition to the petition. Mr. Roger Brown stated he owns the Downtown Car Company, which owns currently vacant property adjoining the subject parcels. Mr. Brown expressed a concern that these lots be rezoned for residential uses while there are many existing vacant residentially zoned parcels other places in the neighborhood. He also stated he was concerned that there was no alley or buffer between a potentially intensive industrial use on his property and the subject parcels. He mentioned that operations could be noisy and 24-hours a day.

Mr. Sherman Chisom and his son, Sherman Chisom, Jr. spoke about the safety and liability issues of having more residential dwellings in such close proximity to their electrical contractor's business at 225 11<sup>th</sup> Street. They stated that the rezoning would place more families with children close to their business, which increases the likelihood more children would play on 11<sup>th</sup> Street where their trucks travel and could potentially trespassing on their property.

Planning Commission discussion centered on the following:

- Commending the petitioner on proffering conditions to implement neighborhood design standards.
- Consideration of the 10-foot landscaped buffer requirement for industrial uses when abutting residential uses and whether the residential rezoning would encroach on the adjacent LM, Light Manufacturing District. A further consideration was whether an alley could be created. Staff stated an alley would require a dedication and improvement of land up to City standards by the applicant. In addition, a Commissioner added the economic consideration that building code would dictate greater firewall requirements if a building were to be built on the property line and those requirements decrease when a building is set-back from the

 Asking staff about the land uses further east on the 1200 block of Church Avenue. Staff responded that there are residential uses zoned LM, Light Manufacturing along the north face of the 1200 block of Church Avenue.

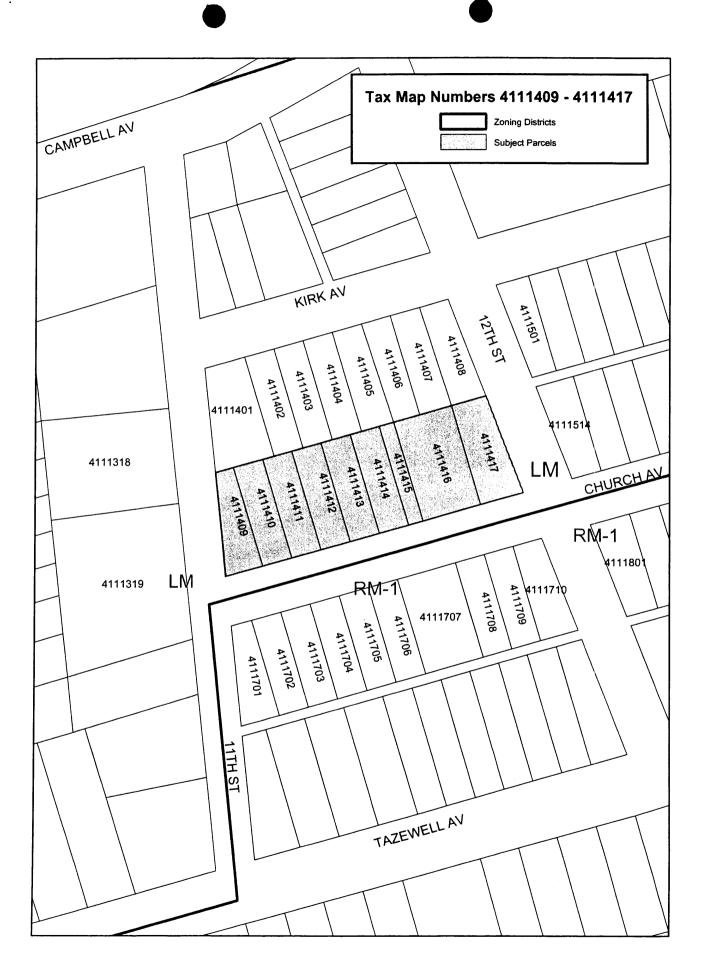
#### Recommendation:

By a vote of 6-1, the Commission recommended approval of the requested conditional rezoning, given the petition's proffered conditions and consistency with the prevailing land use pattern.

Respectfully submitted,

Robert B. Manetta, Chairman City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community
Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Elizabeth Neu, Director, Economic Development
Paul and Sharon Crawford, Petitioners



# **Second Amended Petition**

### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

#### IN RE:

Rezoning of tracts of land lying between the 11<sup>th</sup> and 12<sup>th</sup> blocks on Church Ave.S.E., Roanoke, Va. Commonly known as 1102-1124 Church Ave. S.E., Roanoke, Va. 24013. With Tax I.D. numbers as follows: 4111409,4111410,4111411,4111412, 4111413,4111414,4111415,4111416,4111417,consisting of nine (9) lots, from LM, Light Manufacturing, District to RM-1, Residential Multifamily, Low Density, District.

# TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, Paul and Sharon Crawford, owns land in the City of Roanoke containing 0.707 acres, more or less, located at 1102-1124 Church Ave.S.E., Roanoke; Tax I.D. numbers: 4111409, 4111410,4111411,4111412,4111413,4111414,4111415, 4111416,4111417. Said tracts are currently zoned LM, Light Manufacturing, District. A map of the property to be rezoned is attached as Exhibit 1.

Pursuant to section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property be rezoned from LM, Light Manufacturing, District, to RM-1, Residential Multifamily, Low Density, District for the purpose of building and constructing three (3) new houses.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will increase the taxable amount on this property, with six (6) out of nine (9) lots now being vacant.

Petitioner agrees that if the property is rezoned it will be subject to the following conditions:

Due to the location of the principal structures at Official Tax Map number 4111409 and Official Tax Map Number 4111417, any principal structure shall be set between ten (10) and twenty (20) feet back from the right-of-way of Church Avenue.

The width of new dwellings shall not exceed thirty (30) feet.

New dwellings shall conform to the Neighborhood Design District standards for new construction contained in Subsections (b) through (f), inclusive, of Section 36.1-393 of the Zoning Ordinance. (Subsection (a) shall not apply.)

Attached as Exhibit  $\underline{2}$  are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the property to be rezoned.

Attached as Exhibit  $\underline{3}$  is the concept plan.

WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 2nd day of September, 2004

By:

Paul & Sharon Crawford

1449 Lakeridge Circle

Transcilla Va. 24175

Troutville, Va. 24175

540-977-1270

PAGE 02

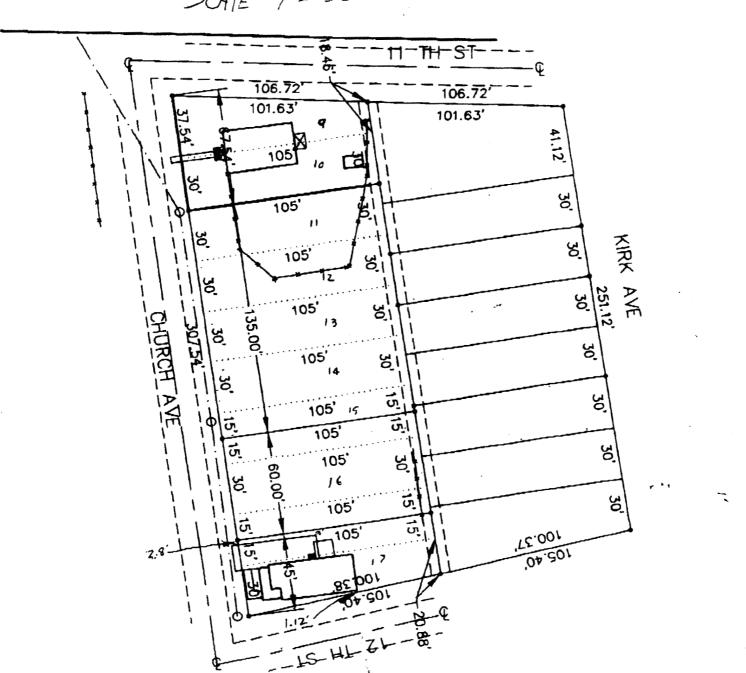
50'

100

5403568702

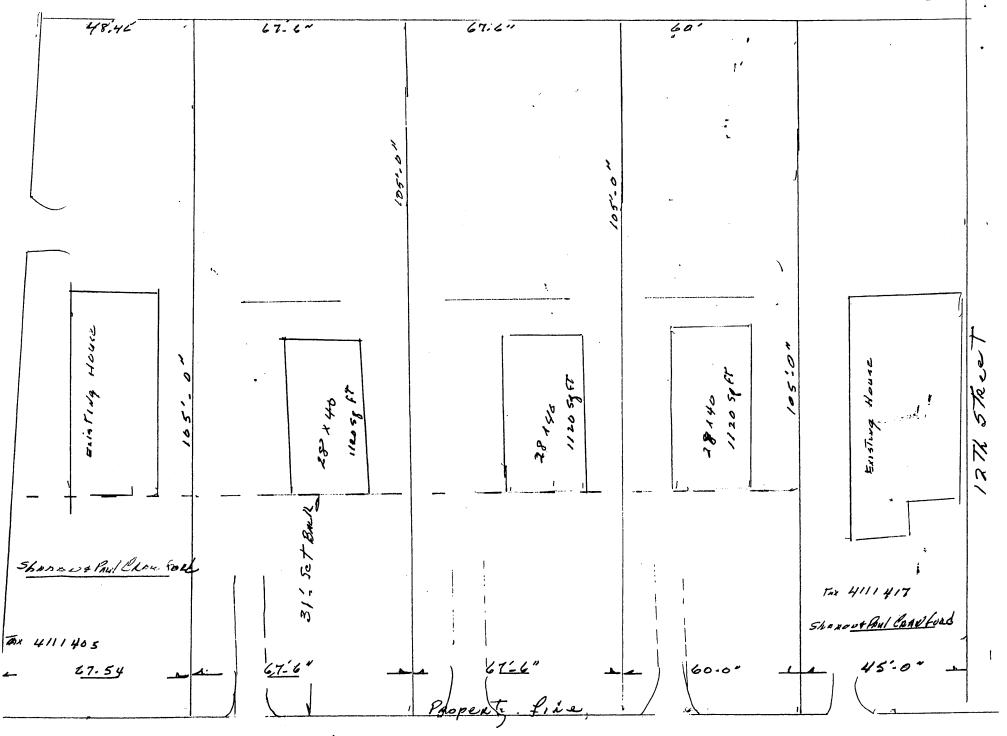
ExhibitI

ZONED: LM SOALE 1=50'



# Exibit 2

Official Tax	Street Address	Dramatu O			
Map Number		Property Owner	Mailing Address		
4111318	11TH ST SE	Sherman W. & Jewell B. Chisom	310 PHEASANT RUN LN	VINTON	VA 24179
4111319	225 11TH ST SE	Sherman W. & Jewell B. Chisom	310 PHEASANT RUN LN	VINTON	VA 24179
4111322	301 11TH ST SE	Deliston Lee Mountcastle	210 MAPLELAWN AVE NE	ROANOKE	VA 24012
1111401	KIRK AV SE	Downtown Car Company, LLC	2875 SUMMIT RIDGE RD	ROANOKE	VA 24012
1111402	KIRK AV SE	Downtown Car Company, LLC	2875 SUMMIT RIDGE RD	ROANOKE	VA 24012
1111403	KIRK AV SE	Victoria A. Jones	3481 BROOKRUN DR	ROANOKE	VA 24012
1111404	KIRK AV SE	T.R. McFarland	981 APPLE ORCHARD LN	TROUTVILLE	VA 24175
1111405	KIRK AV SE	T.R. McFarland	981 APPLE ORCHARD LN	TROUTVILLE	VA 24175
1111406	KIRK AV SE	Downtown Car Company, LLC	2875 SUMMIT RD	ROANOKE	VA 24173
111407	KIRK AV SE	Downtown Car Company, LLC	2875 SUMMIT RD	ROANOKE	VA 24012 VA 24012
	KIRK AV SE	Downtown Car Company, LLC	2875 SUMMIT RD	ROANOKE	
1111501	KIRK AV SE	Larry David Ashby	1213 KIRK AV SE	ROANOKE	VA 24012
1111514	1202 CHURCH AV SE	Shepard Properties	P O BOX 12012	ROANOKE	VA 24013 VA 24022
111701	CHURCH AV SE	Virginia A. & Otho Altice	1103 CHURCH AVE SE	ROANOKE	
111702	1103 CHURCH AV SE	Virginia A. & Otho Altice	1103 CHURCH AVE SE		VA 24013
111703	CHURCH AV SE	Virginia A. & Otho Altice		ROANOKE	VA 24013
111704	CHURCH AV SE	The JOCO Foundation	1103 CHURCH AVÉ SE	ROANOKE	VA 24013
111705	CHURCH AV SE	The JOCO Foundation	312 BURRUS HILL (0142)	BLACKSBURG	VA 24061
	CHURCH AV SE	The JOCO Foundation	312 BURRUS HAL (0142)	BLACKSBURG	VA 24061
	CHURCH AV SE	The JOCO Foundation	312 BURRUS HALL (0142)	BLACKSBURG	VA 24061
	CHURCH AV SE	Patsy R. Meadows	312 BURRUS HALL (0142)	BLACKSBURG	VA 24061
	1121 CHURCH AV SE	Patsy R. Meadows	1012 TWELFTH ST SE	ROANOKE	VA 24013
111710	1123 CHURCH AV SE		1012 TWELFTH ST SE	ROANOKE	VA 24013
	CHURCH AV SE	Robert and Amanda Hammonds	1123 CHURCH AV SÉ	ROANOKE	VA 24013
	I	Liberty Investment	6893 CAMPBELL DR	SALEM	VA 24153



Church Ave.

Exhibit # 3



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 411, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, Paul and Sharon Crawford have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from LM, Light Manufacturing District, to RM-1, Residential Multifamily, Low Density District, subject to certain conditions proffered by the applicant;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on September 20, 2004, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 411

of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner

and no other:

Those certain tracts of land lying on Church Avenue, S.E., between 11<sup>th</sup> and 12<sup>th</sup> Street, S.E.,

and designated as Official Tax Nos. 4111409 through 4111417, inclusive, and designated on Sheet

No. 411 of the Sectional 1976 Zone Map, City of Roanoke, be, and are hereby rezoned from LM,

Light Manufacturing District, to RM-1, Residential Multifamily, Low Density District, subject to

the proffers contained in the Second Amended Petition filed in the Office of the City Clerk on

September 2, 2004, and that Sheet No. 411 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this

ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



#### Building homes in partnership with God's people in need.

403 Salem Avenue • Roanoke, VA 24016 (540) 344-0747 Fax: (540) 343-1492 www.habitat-roanoke.org

16 September 2004

**Board of Directors** 

David Camper President

Cindy Gray
Vice President

F. Wiley Hubbell Treasurer

Jonathon Grace Secretary

John Blanton HelenRuth Burch Ron Cronise Tom Dalzell

Don Davis
Walt Derey
Greg Feldmann
Bob Holland
Kathy Killian
Sandy Light
Randall Lundy
David McCray
Jeff Parkhill

Melinda Payne Linda Pharis James Rucker Robert Turcotte Chip Warsaw

Karen L. Mason Executive Director

Jean A. Darby
Program Director

Janice Fridley
Executive Assistant

W. Edward Powell

Construction Manager

Tim Gardner
Asst. Const. Manager

Julie Holt
Volunteer Coordinator

Maria W. Gilmer Store Director

Brent Talmadge Store Manager City of Roanoke Office of City Clerk 215 Church Avenue, SW, Room 456

215 Church Avenue, SW, Room 456 Roanoke, Virginia 24011-1536

ATTN: Ms Stephanie M. Moon

REF: File # 514

Dear Ms. Moon:

Your letter dated 9 September 2004 notified Habitat for Humanity in the Roanoke Valley that our request to permanently vacate discontinue and close a portion of a ten-foot alley, adjoining Official Tax Nos. 2130504-2130506 inclusive and 2240102, and lying parallel to 12<sup>th</sup> Street, NW was to be heard by the Roanoke City Council at a public meeting on 20 September 2004.

This letter is to request a continuance of this matter until a later date. A continuance to March 2005 would be appreciated.

Sincerely,

HABITAT FOR HUMANITY IN THE ROANOKE VALLEY

Thomas J. Dazell
Member, Board of Directors

Copy to: Ms. Karen Mason, Executive Director

Mr. David Camper, President

# ST ROAD

Architectural Review Board Board of Zoning Appeals Planning Commission

# CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

September 20,2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Request from Habitat for Humanity, represented by David A. Camper, President, Board of Directors, that a portion of a 10'

wide alley, adjoining parcels bearing Official Tax Nos.

2130504, 2130505, 2130506 and 2240102, and lying parallel to 12<sup>th</sup> Street, N.W., be permanently vacated, discontinued

and closed.

#### Planning Commission Action:

Planning Commission public hearing was held on Thursday, August 19, 2004. After discussion and public comment, the Planning Commission failed to recommend the street closure request, by a roll call vote of 0-7.

# Background:

The petitioner requests vacation of a portion of an unimproved alley that spans southeast to northeast between Syracuse Avenue and Andrews Road, N.W. The petitioner owns all of the land on each side of the subject portion of alley, Official Tax Nos. 2130504, 2130505, 2130506 and 2240102. The impetus for this petition is the petitioner's desire to subdivide these parcels and develop a public street with ingress and egress from 12<sup>th</sup> Street, N.W. The petitioner needs to acquire this portion of alley to establish ownership of all land that the proposed street will be built upon and dedicated to the City.

Mr. Rife asked the petitioner if they had considered connecting their proposed street to an existing street since *Vision 2001-2020* recommends such connectivity. The petitioner replied that it would be cost prohibitive to connect the

street to another. The petitioner also informed Mr. Williams that the land was donated to them.

Mr. Townsend advised Mr. Scholz that the crucial issue in staff's recommendation is that six of the 12 lots will be within the 100-year flood plain.

Mr. Williams asked if this parcel could be developed with access to 14<sup>th</sup> Street or another existing street. Staff replied that it is possible, but that it would be difficult no matter where ingress and egress were constructed.

Mrs. Prince asked if the parcel were in the Neighborhood Design District and staff confirmed that it was.

Three citizens spoke (Harris Greene, 1201 Syracuse Avenue; Silverine James, no address given, and Shirley Bethel, member Melrose Rugby Neighborhood Forum). Their concerns were that neighborhood residents were not involved in any discussions of the issue, development in the flood plain could be dangerous to future residents, and the petitioner has recently had problems maintaining one unfinished development.

Mr. Williams asked the petitioner if the land could be sold. The petitioner replied that was possible, but that they could not afford to purchase smaller, more expensive parcels that may be available. The petitioner also said that they own land in Old Southwest, but had been unable to develop it due to the design regulations of the historic district. Mrs. Prince commented to the petitioner that it would be possible to develop its lots in Old Southwest and they should pursue such.

The petitioner stated that they met with the Melrose-Rugby Neighborhood Forum three years ago, and also held two meetings recently with residents. The petitioner stated the difference between the sale and assessment value of their houses, with the latter being much greater. The petitioner stated that recently they have changed the design of their houses to make them more compatible with the neighborhood and that most of the houses will not be in the flood plain.

#### Considerations:

The petitioner's properties on the southern side of the alley, Official Tax Nos. 2130504 - 2130506 inclusive, are zoned RM-1, Residential Multifamily, Low Density District. The petitioner's other property, Official Tax No. 2240102, is zoned RS-3, Residential Single-family, High Density District. All of the properties are also within the overlay Neighborhood Design District. The petitioner's properties are all vacant.

The petitioner intends to develop 12 single-family houses by subdividing a portion of Official Tax No. 2240102. Most of the parcel is within the 100-year

flood plain. Under the petitioner's current proposal, six of the proposed lots and two of the structures will be developed in the flood plain. A public street will be built in the subdivision with ingress and egress from 12<sup>th</sup> Street. The proposed right-of-way is 50 feet wide with a cul-de-sac at its terminus. Curb, gutter and sidewalk are required for this new street by the subdivision ordinance.

Goals and strategies listed in the Residential Development and Infrastructure sections of the Melrose-Rugby Neighborhood Plan state:

- "1.3: Ensure that new and converted housing fits in with existing housing."
- "1.12: Encourage infill development of vacant lots with market rate housing."
- "5.6: Include design features in road construction plans that maintain a unified neighborhood and provide for pedestrian and bicycle traffic."

Since the adoption of the neighborhood plan, the Neighborhood Design District zoning regulations were adopted as well. The regulations of the district ensure that the design of houses in the subdivision will be compatible with the neighborhood.

The future land use map of the neighborhood plan calls for single-family residential development on the southern portion of Official Tax No. 2240102. The parcel is demarcated on the map by the 100-year flood plain. The northern portion of the parcel is in the flood plain and its recommended use is open space and recreation.

The petitioner's proposed street design is not in keeping with Goal 5.6 of the neighborhood plan noted above. Cul-de-sac streets are not compatible with traditional neighborhoods such as Melrose-Rugby that were developed in a grid street system. Cul-de-sacs generally do not foster pedestrian or bicycle friendly streetscapes. The subdivision that would result from the vacation of the alley would be a disconnected and isolated enclave with little to no circulatory relationship to the neighborhood.

While as it is currently designed the petitioner's proposal only has two of the 12 houses and some portion of six of the 12 proposed lots within the flood plain, the proximity of the subdivision to the floodplain and floodway of Lick Run and the amount of added impervious surface created by the new development may exacerbate any flooding that does occur along this tributary of the Roanoke River. To facilitate the placement of a significant number of new housing units within such proximity to the floodway and flood plain of Lick Run runs counter to previous City efforts to acquire and remove structures located along the Lick Run floodway and flood plain down stream from this location.

Staff received comments from AEP, Verizon, and Roanoke Gas. All stated they have no facilities in the alley and no opposition to the request. Staff also received comments from the former Water Division of the Department of Public Works, which stated no objection to the request.

Staff received questions from the Melrose-Rugby Neighborhood Forum regarding ingress and egress to the proposed subdivision, its location relative to the flood plain, the number of units proposed, and how the vacated alley will be used. Staff has responded to those questions, and has not received any further communication from anyone in the neighborhood.

The Department of Real Estate Valuation assessed the value of the subject portion of alley at \$1,750.

#### Recommendation:

By a vote of 0-7, the Commission failed to recommend approval of the requested closure. Vacation of this portion of alley and the resulting proposed development are not consistent with the Melrose-Rugby Neighborhood Plan. Vacation of the alley would set in motion a development pattern that would be detrimental to the convenient pedestrian and vehicular circulation in the neighborhood. Furthermore, concentrating 12 new development sites in such close proximity to the flood plain and floodway of Lick Run is not advisable.

If Council were to approve the request, it is recommended that the petitioner be charged \$1,750 for the subject portion of alley. In addition, the approval should be conditioned upon the following:

- A. The applicant shall redesign the subdivision so that no lots or residential structures are in the 100-year flood plain and a cul-desac street pattern shall not result.
- B. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
- C. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as

Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

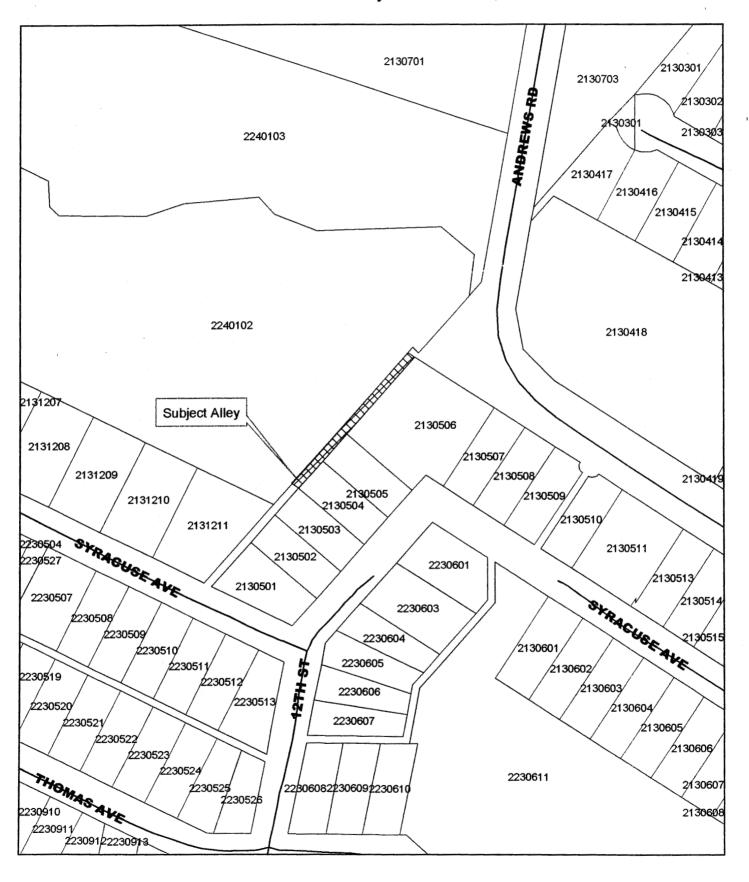
- D. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- E. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then this ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

Robert B. Manetta, Chairman City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
David Camper, President, Habitat for Humanity, Board of Directors

Alley Vacation: Andrews Rd & Syracuse Ave, NW



#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:	)	ADDI ICATION FOR MACATING
Application of Habitat For Humanity	)	APPLICATION FOR VACATING, DISCONTINUING AND
for vacation of Alley	)	CLOSING OF ALLEY

MEMBERS OF COUNCIL:

Habitat For Humanity, applies to have an alley located near the Intersection of 12<sup>th</sup> Street, N. W. and Syracuse Avenue, N. W. in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This alley is more particularly described on the map attached and as follows:

A portion of a ten foot wide alley, adjoining Tax Map Nos. 2130504 through 2130506, and 2240102, all of which are owned by Habitat For Humanity.

Habitat for Humanity states that the grounds for this application are as follows:

- 1. The property to be vacated is presently a paper alley.
- The applicant desires to use the property to be vacated for construction of a roadway to a proposed 12 lot subdivision. The road will be dedicated to the City as right-of-way.

WHEREFORE, Habitat For Humanity respectfully requests that the above described alley be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted NWO (1 Complex 6-25.64

Habitat For Humanity

Date

David A. Camper, President Board of Directors

Habitat For Humanity (David A. Camper)

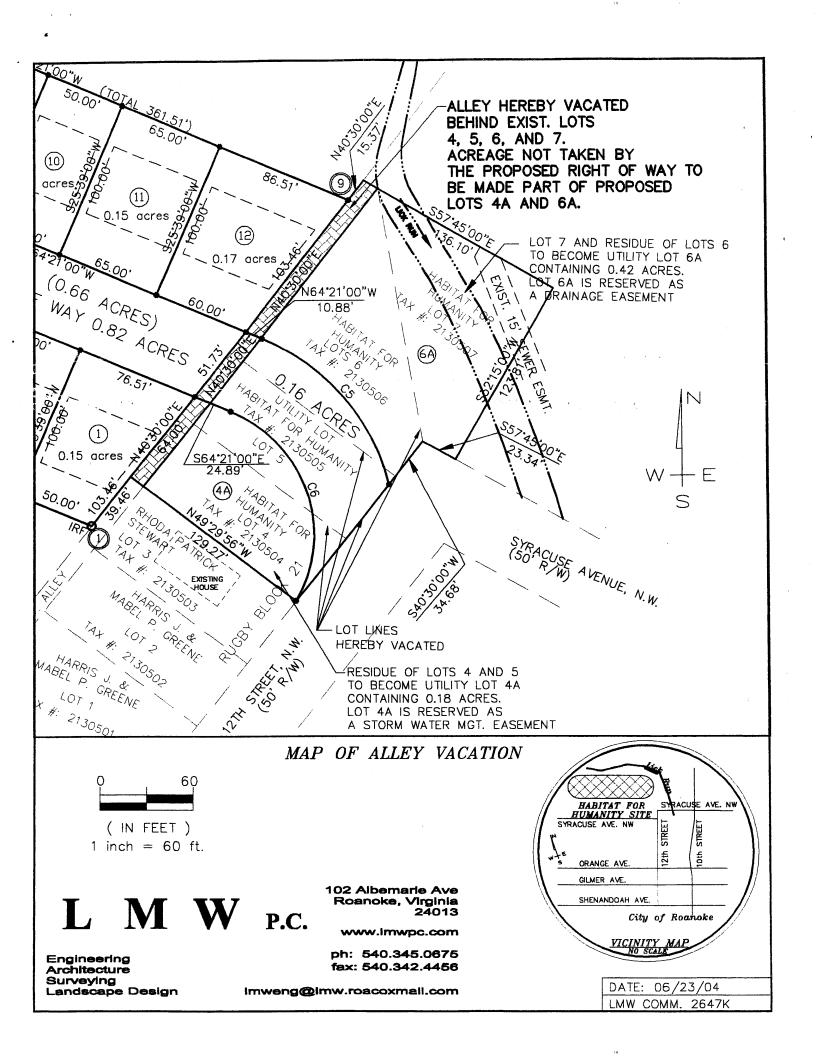
403 Salem Avenue, SW

Roanoke, Virginia 24016

Phone No. (540) 344-0747

Section 1 Sectio

GRY OF ROANCYS PLANNING WALDING AND DEVELOPMENT





## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance by title.

WHEREAS, Habitat for Humanity filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by the City Council on September 20, 2004, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That portion of a 10' wide alley, adjoining parcels bearing Official Tax Nos. 2130504, 2130505, 2130506 and 2240102, and lying parallel to 12<sup>th</sup> Street, N.W.

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company or public authority, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sanitary sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that prior to receiving all required approvals of the subdivision plat referenced in the previous paragraph, the applicant shall give to the Treasurer for the City of Roanoke a certified check or cash in the amount of One thousand seven hundred fifty dollars and no cents (\$1,750.00) as consideration for this action taken by City Council.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Vacation of Water and Sanitary Sewer Easements - Carilion Medical Center-1906 Belleview Avenue, S.E. - Tax Map No. 4060301

The owners of property located at 1906 Belleview Avenue, S.E., identified as Tax Map No. 4060301have requested that the City vacate water, sanitary sewer, and ingress/egress easements on the property. The Carilion Medical Center will be undergoing a major expansion of the facilities on the site which will necessitate that existing water and sanitary sewer lines be removed and relocated. Attached is a plat showing the easements to be vacated. The subject easements are no longer needed since the sanitary sewer and water lines will be relocated into new easements that will be dedicated to the Western Virginia Water Authority in locations consistent with the proposed facility expansion. The plat also shows an existing ingress/egress easement to be vacated. This easement is no longer needed by the City since it does not own the property formerly served by the easement. The plat has been reviewed by, and is acceptable to, the City Engineer.

### Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents vacating the existing water, sanitary sewer, and ingress/egress easements. The owners of the property will be

Mayor Harris and Members of City Council September 20, 2004 Page 2

responsible for preparation of all necessary documents, approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham

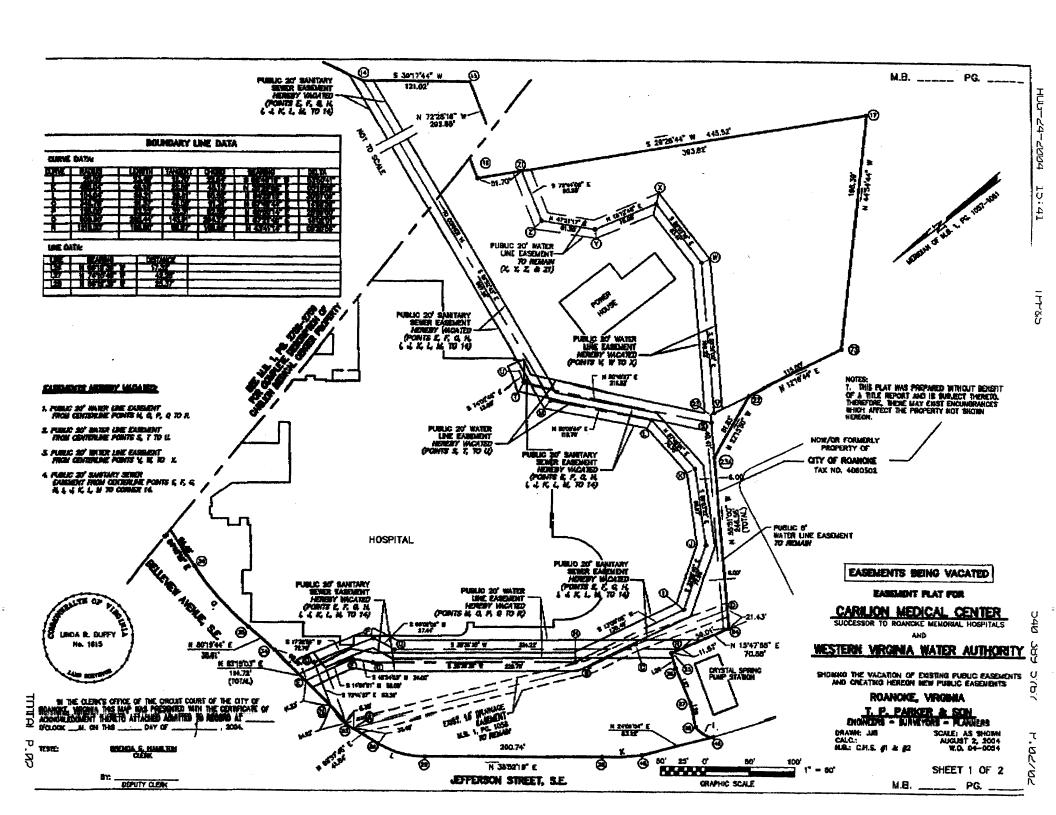
City Manager

DLB:RBT:mpf

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer
Robert Manetta, Carilion Health Systems

CM04-00151



8/My

#### IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the vacation of an ingress/egress easement and the vacation of certain water and sanitary sewer easements across Tax Map No. 4060301, located at 1906 Belleview Avenue, S.E., in exchange for new water and sanitary sewer easements which will be dedicated to the Western Virginia Water Authority, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and City Clerk are authorized to execute and attest, respectively, in form approved by the City Attorney, appropriate documentation providing for the vacation of certain ingress/egress, water and sanitary sewer easements across Tax Map No. 4060301, located at 1906 Belleview Avenue, S.E., as more particularly described in the City Manager's letter to this Council dated September 20, 2004.

- 2. Vacation of the aforementioned easements is made expressly contingent on the property owner dedicating the new easements to the Western Virginia Water Authority.
- 3. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# **CITY OF ROANOKE**OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

September 20, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Capital Maintenance and

**Equipment Replacement** 

Program (CMERP)

# Background:

Section 2-189 of the City Code establishes a reserve from the year-end general fund balance for the funding of capital improvements and capital maintenance and equipment replacement. The amount reserved from the undesignated fund balance is calculated as ten (10) percent of total general fund appropriations less any sums paid for general fund debt service during the fiscal year. CMERP funding available for appropriation totals \$1,501,240.

Revenue from the Commonwealth of Virginia will increase \$436,000 above the estimate established with the adoption of the FY 2004-05 General Fund budget. The total of all funding sources available for appropriation is \$1,937,240.

In addition, \$1,100,000 of residual equity from the close-out of the Water and Sewer funds needs to be appropriated from the Capital Project Fund balance to the Municipal Building North Renovations project.

Mayor Harris and Members of City Council September 20, 2004 Page 2

During FY 2003-04, funding in the amount of \$95,022 was transferred from the Fire-EMS Facility Improvement Program project to the Police Building Phase II project to facilitate building design and property acquisition needs. This funding needs to be restored to the Fire-EMS project account from funding appropriated in advance of bond issuance.

Funding in the amount of \$145,000 budgeted in the National Pollution Discharge Elimination System (NPDES) project account will be used by Transportation - Streets and Traffic for contracted services for storm drain maintenance/repair and the purchase of a storm drain trailer unit.

Section 2-188.1 Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that, at the conclusion of each fiscal year, two hundred fifty thousand dollars (\$250,000) to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City. The maximum balance of the reserve is three percent of the total General Fund appropriations for the concluded fiscal year. As such, at June 30, 2004, \$250,000 was reserved in the General Fund for self-insured liabilities.

#### Considerations:

A list of CMERP funding recommendations is attached (Attachment 1) and addresses the following categories:

<ul> <li>Contributions</li> </ul>	\$350,500
<ul> <li>Carryover Funds</li> </ul>	109,680
<ul> <li>Capital Improvements</li> </ul>	1,111,000
Equipment	116,060
<ul> <li>Technology</li> </ul>	150,000
<ul> <li>Fleet Management</li> </ul>	100,000
Total	\$1,937,240

Department CMERP funding requests totaled approximately \$8.9 million, excluding technology and vehicular related items. Requests for technology related items/initiatives totaled an additional \$3.2 million. Technology requests are reviewed and prioritized by the Information Technology Committee, and a separate report will recommend appropriation of funds for technology needs. All vehicular requests are reviewed by the Fleet Management Division Manager and evaluated based upon an approved set of replacement criteria.

Mayor Harris and Members of City Council September 20, 2004 Page 3

#### Recommended Action:

Authorize the Director of Finance to make the following revenue adjustments in the amount of \$436,000.

Recordation Tax (001-110-1234-0600)	(30,000)
Alcohol Beverage Control Tax (001-110-1234-0601)	(41,000)
Wine (Liter) Tax (001-110-1234-0602)	(6,000)
Commonwealth's Attorney (001-110-1234-0610)	21,000
Sheriff/Jail (001-110-1234-0611)	150,000
Commissioner of the Revenue (001-110-1234-0612)	6,000
Treasurer (001-110-1234-0613)	6,000
Street Maintenance (001-110-1234-0650)	113,000
City Jail Block Grant (001-110-1234-0651)	287,000
Local Law Enforcement (001-110-1234-0658)	(70,000)

Appropriate \$1,100,000 from Capital Projects Fund Balance to the Municipal North Renovation project.

Transfer funding in the amount of \$95,022 from the Police Building Phase II project account (008-530-9567-9003) to the Fire-EMS project account (008-530-9678-9003).

Transfer funding in the amount of \$145,000 from the NPDES project account (008-530-9736-9003) to a new account to be established in the Capital Projects Fund. Appropriate \$250,000 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund. Establish a revenue estimate of the same amount in the Risk Management Fund representing this transfer.

City Council concur with the CMERP funding recommendations and appropriate funding to the proper accounts as detailed on the attachment.

Respectfully submitted,

Darlene L. Burcham

City Manager

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget

#### Attachment 1

# Capital Maintenance and Equipment Replacement Program (CMERP)

# Recommended Expenditures - Justification

# Contributions/Commitments - \$350,500

- 1. <u>Grandin Theater \$80,000</u> Funding is the third of five installments and will be utilized to fulfill the City's obligation to the Grandin Theater revitalization.
- 2. <u>Total Action Against Poverty/Dumas \$100</u>,000 Funding will provide the second of five planned installments to support the renovation of the Dumas facility.
- 3. <u>Center in the Square \$80,000</u> This funding will provide support to upgrade the Center's security system.
- 4. <u>Jefferson Center \$40,500</u> This funding will provide partial support for the installation of an integrated fire protection and security system.
- 5. <u>Mill Mountain Theater \$50,000</u> Funding will provide assistance for the upgrade of the performance stage.

#### Carryover Funds - \$109,680

- 1. <u>Police \$9,680</u> This funding is a carryover of FY2003-04 unobligated mini-grants and donations that must be expended based on the intended purpose.
- 2. <u>Parks and Recretion/Youth Services \$100,000</u> This funding is a carryover of FY 2003-04 funds and will be used primarily to support the conversion of the Preston Park Recreation Center to a Teen Center.

# Equipment - \$116,060

- 1. <u>Traffic Engineering Traffic signal controllers and cabinets \$28,500</u> Funding will be utilized to purchase equipment for replace of damaged equipment as needed.
- 2. <u>Police Firearms \$16,560</u> This funding will be used to purchase forty (40) firearms for new officers to maintain operational readiness.
- 3. <u>Libraries Secirity/Fire System \$39,000</u> These funds will be utilized to purchase a security/fire system for branch libraries.
- 4. <u>Fire/EMS High Rise Fire Fighting Packs \$32,000</u> These funds will be utilized to purchase sixteen (16) high rise fire fighting packs.

#### Capital Improvements - \$1,111,000

- 1. Facilities Management Building Maintenance \$775,000
  - a. <u>Jail Roof Replacement \$600,000</u> This funding will provide for the replacement of the jail roof to include asbestos abatement.
  - b. <u>Jail Kitchen Floor Replacement \$75,000</u> This funding will be utilized to replace the floor of the jail kitchen.
  - c. <u>Building Condition Assessment Program (BCAP) \$100,000</u> This funding will provide for the next phase of the BCAP program.

#### 2. Parks & Recreation - \$136,000

- a. <u>Preston Park Improvements \$91,000</u> This funding will provide for improved parking and ADA access at Preston Park.
- b. <u>Garden City Recreation Center Improvements \$30,000</u> This funding will provide for improvements to the recreation center floor, installation of a wheelchair ramp and restroom ADA rehabilitation.

c. Roanoke Park Wayfinding and Safety Signage - \$15,000 - This funding will provide signage for trails and greenways in the parks.

# 3. <u>Engineering - \$200,000</u>

- a. <u>Downtown Roanoke Drainage Study \$100,000</u> This funding will provide for a study of the needed improvements to drainage in the downtown area.
- b. <u>Downtown Roanoke Drainage Contract Labor \$100,000</u> This funding will provide contract labor to provide maintenance for the downtown drainage system.

## Technology - \$150,000

Funding will supplement Department of Technology retained earnings and be used to address technology needs. A separate report will be prepared by the Information Technology Committee (ITC).

# Fleet Management - \$100,000

Fleet Management will recommend replacement/acquisition of vehicles based on established approved criteria in separate reports which will be presented to City Council as required. CMERP funds in the amount of \$100,000 and Fleet Management funds in the amount of \$1,575,000 included in the Fleet Management budget and designated for fleet replacement will be utilized for total funding of \$1,675,000 to purchase recommended vehicles.

#### Total General Fund CMERP - \$1,937,240

## Civic Facilities - \$187,000

Civic Facilities Retained Earnings will be used for:

- 1. Auditorium stage floor repairs \$14,000
- 2. Auditorium concession stands \$60,000
- 3. Coliseum concourse ceiling project \$54,000
- 4. Coliseum concourse flooring \$59,000



# IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Capital Maintenance and Equipment Replacement Program (CMERP) and to make other funding appropriations and transfers, amending and reordaining certain sections of the 2004-2005 General, Civic Facilities, Capital Projects, Fleet Management and Risk Management Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2004-2005 General, Civic Facilities, Capital Projects, Fleet Management and Risk Management Funds Appropriations be, and the same are hereby, amended as follows:

C	Δ,	ne	ra	1 1	Fı	ın	Ы

Appropriations		
Center in the Square	001-300-7220-3706	\$ 80,000
Jefferson Center	001-300-7220-3893	40,500
Mill Mountain Theater	001-300-7220-3749	50,000
Homeland Defense	001-640-3114-2164	391
Project Lifesaver	001-640-3114-2169	8,132
Sporting Events	001-640-3114-2081	1,157
Special Projects	001-620-8170-2034	100,000
CMERP - Equipment Purchases	001-530-4160-9132	28,500
CMERP - Equipment Purchases	001-640-3113-9132	16,560
CMERP - Equipment Purchases	001-520-3213-9132	32,000
Transfer to Capital Projects Fund	001-250-9310-9508	1,330,000
Transfer to Fleet Management Fund	001-250-9310-9517	100,000
Transfer to Risk Management Fund	001-250-9310-9529	250,000
Fund Balance		
Reserved for CMERP - City	001-3323	(1,351,240)
Reserved for Self-Insured Claims	001-3327	(250,000)
Revenues		
Recordation Tax	001-110-1234-0600	(30,000)
Alcoholic Beverage Control Tax	001-110-1234-0601	(41,000)
Wine Tax	001-110-1234-0602	( 6,000)
Commonwealth's Attorney	001-110-1234-0610	21,000
Sheriff	001-110-1234-0611	150,000
Commissioner of the Revenue	001-110-1234-0612	6,000
Treasurer	001-110-1234-0613	6,000
Street Maintenance	001-110-1234-0650	113,000
City Jail Block Grant	001-110-1234-0651	287,000
Law Enforcement (HB 599)	001-110-1234-0650	(70,000)
		· · · · · · · · · · · · · · · · · · ·

Civic Facilities Fund		
Appropriations		
Appropriated from General Revenue	005-550-8624-9003	187,000
Retained Earnings		
Retained Earnings Available for	005 0040	(407.000)
Appropriation	005-3348	(187,000)
Capital Projects Fund		
Appropriations		
CMERP - Equipment Purchases	008-310-9737-9132	80,000
CMERP - Equipment Purchases	008-310-9799-9132	100,000
CMERP - Equipment Purchases	008-440-9854-9132	814,000
CMERP - Equipment Purchases	008-530-9781-9132	100,000
CMERP - Equipment Purchases	008-530-9782-9132	100,000
CMERP - Equipment Purchases	008-620-9758-9132	121,000
CMERP - Equipment Purchases	008-620-9759-9132	15,000
Appropriated from General Revenue	008-530-9678-9003	95,022
Appropriated from General Revenue	008-530-9567-9003	(95,022)
Appropriated from General Revenue	008-530-9821-9003	1,100,000
Appropriated from General Revenue	008-530-9798-9003	145,000
Appropriated from General Revenue Revenues	008-530-9736-9003	(145,000)
Transfer from General Fund	008-110-1234-1037	1,330,000
Fund Balance	000-110-1234-1037	1,330,000
Residual Equity Transfer	008-3337	(1,100,000)
		(1,100,000)
Fleet Management Fund		
Appropriations		
CMERP - Equipment Purchases	017-440-2642-9132	100,000
Revenues		
Transfer from General Fund	017-110-1234-1037	100,000
Risk Management Fund		
Revenues		
Transfer from General Fund	019-110-1234-1037	250,000
Retained Earnings		
Reserve for Self-Insured Claims	019-3327	250,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

# ATTEST: